

1989 Assembly Bill 611

Date of enactment: April 27, 1990

Date of publication: May 10, 1990

1989 Wisconsin Act 338 (Vetoed in Part)

AN ACT to repeal 13.62 (7), 13.62 (9), 13.625 (4), 13.65 (title), 13.65 (1), 13.65 (2), 13.66 (title), 13.66 (2), 13.68 (intro.) (except 13.68 (title)), 13.68 (4), 13.685 (4) to (6), 13.70 (4), 13.72 and 19.45 (12); to renumber 13.63 (3) and 13.70 (title); to renumber and amend 13.63 (2), 13.65 (3), 13.66 (1), 13.67, 13.70 (1), 13.70 (2) and (3), 13.70 (6) and 19.53 (7); to amend 13.61, 13.62 (2), 13.62 (7), 13.62 (8), 13.62 (10), 13.625 (1) (b) (intro.) and 3 and (c), 13.625 (2) and (3), 13.625 (6), 13.625 (7), 13.63 (1), 13.63 (1), 13.63 (2), 13.64, 13.65 (1), 13.65 (3), 13.66 (2), 13.67, 13.68 (title), 13.68 (intro.), 13.685 (title), 13.685 (1), 13.685 (1), 13.685 (2), 13.685 (2), 13.685 (3), 13.685 (7), 13.685 (7), 13.69 (1), 13.69 (1), 13.69 (2), (3), (5) and (6), 13.69 (7), 13.69 (8), 13.69 (8), 13.695 (1) (intro.), 13.695 (1) (intro.), 13.695 (2), 13.70 (5), 13.70 (5), 13.72 (1), 13.74, 13.75 (intro.), (1) and (2), 19.42 (1), 19.44 (1) (e), 19.45 (2), 19.46 (2), 19.47 (2) and (4), 19.48 (1), (2), (3) and (7), 19.49, 19.50 (intro.) and (1), 19.51 (1) (intro.) and (b), 19.52 (1), (3) and (4), 19.53 (intro.), (5) and (6), 19.545, 19.55 (2) (intro.), 19.55 (2) (b), 19.56 (2) (a) and (b) (intro.) and 3 and (3), 20.521 (intro.), 25.18 (2) (a), 196.595 (1) (a) 1m, 778.136 and 778.136; to repeal and recreate 13.62 (11), 13.64, 13.68 (1) to (3) and 13.68 (5); and to create 13.62 (4), 13.62 (8m), 13.62 (10g) and (10r), 13.62 (11p), (11r), (11t), (12g) and (12r), 13.625 (6g), 13.625 (6r), 13.625 (6s), 13.625 (6t), 13.69 (6m), 13.75 (4), 19.45 (3m), 19.48 (9), 19.53 (7), 19.56 (3) (c) and (d) and 20.521 (2) of the statutes, relating to revision of the lobbying regulation law and code of ethics for state public officials and employees, requests for increased appropriations to state agencies, making an appropriation, providing for a study, granting rule-making authority and providing a penalty.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

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

SECTION 1. 13.61 of the statutes is amended 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 hire others or are hired to engage in efforts to influence actions of the legislative and executive branches.

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

13.62 (2) "Agency" means any board, commission, ~~committee, department or officer, office, society, institution of higher education, council or committee~~ in the state government, or any authority created in ch. 231, 232 or 234, except that the term does not include a council or committee of the legislature.

SECTION 3. 13.62 (4) of the statutes is created to read:

13.62 (4) "Board" means the ethics board.

SECTION 3m. 13.62 (7) of the statutes is amended to read:

13.62 (7) "File" means the file of licensed lobbyists and principals maintained by the ~~secretary of state~~ board under s. 13.65 (1).

SECTION 4. 13.62 (7) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 5. 13.62 (8) of the statutes is amended to read:

13.62 (8) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or defeat of any bill, resolution, amendment, report, nomination, administrative rule 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.

SECTION 6. 13.62 (8m) of the statutes is created to read:

13.62 (8m) "Legislative employe" means a member or officer of the legislature, an individual employed under s. 13.20 or an employe of a legislative service agency, as defined in s. 16.70 (6).

SECTION 7. 13.62 (9) of the statutes is repealed.

SECTION 8. 13.62 (10) of the statutes is amended to read:

13.62 (10) "Lobbying" means the practice of attempting to influence legislative or administrative action by ~~direct~~ oral or written communication with any elective state official, agency official or legislative ~~official employe~~, and includes time spent in preparation for such communication and appearances at public hearings or meetings or service on a committee in which such preparation or communication occurs.

SECTION 9. 13.62 (10g) and (10r) of the statutes are created to read:

13.62 (10g) "Lobbying communication" means an oral or written communication with any agency official, elective state official or legislative employe that attempts to influence legislative or administrative action, unless exempted under s. 13.70.

(10r) "Lobbying expenditure" means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research or for providing or using information, statistics, studies or analyses in communicating with an official that would not have been incurred but for lobbying.

SECTION 10. 13.62 (11) of the statutes is repealed and recreated to read:

13.62 (11) "Lobbyist" means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual's duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on each of at least 5 days within a reporting period.

SECTION 11. 13.62 (11p), (11r), (11t), (12g) and (12r) of the statutes are created to read:

13.62 (11p) "Partisan elective state office" means the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator or state representative to the assembly.

(11r) "Partisan elective state official" means any individual holding a partisan elective state office.

(11t) "Personal campaign committee" has the meaning given in s. 11.01 (15).

(12g) "Relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiance or fiancée.

(12r) "Reporting period" means any 6-month period beginning with January 1 and ending with June 30 or beginning with July 1 and ending with December 31.

SECTION 12. 13.625 (1) (b) (intro.) and 3 and (c) of the statutes are amended to read:

13.625 (1) (b) (intro.) Furnish to any ~~officer~~ agency official or legislative employe of the state or to any elective state official or candidate for an elective state

office, or to the official's, employe's or candidate's personal campaign committee:

3. Food, meals, beverages, money or any other thing of pecuniary value, except ~~as provided that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).~~

(c) Except as ~~provided~~ permitted in this ~~paragraph subsection~~, make a campaign contribution, as defined in s. 11.01 (6), to ~~any a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for an a partisan elective state office to be filled at the general election, or such or a special election, or the official's or candidate's personal campaign committee, as defined in s. 11.01 (15). Campaign contributions to such candidates or.~~ A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee 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;~~

1. A campaign contribution to a candidate for legislative office may be made during ~~such that~~ period only if the legislature is ~~not in session or, if in session, has recessed.~~ This paragraph does not apply to campaign contributions concluded its final floor period, and is not in special or extraordinary session.

2. A campaign contribution by a lobbyist to ~~his or her the lobbyist's~~ campaign for partisan elective state office, nor to any lobbyist who only attempts to influence administrative action may be made at any time.

SECTION 13. 13.625 (2) and (3) of the statutes are amended to read:

13.625 (2) No principal may engage in the practices prohibited under sub. (1) (b) and (c). This ~~prohibition shall subsection does 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, agency official or legislative employe~~ of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b) 3 and (c) ~~and, (2), (5), (6) and s. 19.56 (7).~~ No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3 and (c), (2) and (6).

SECTION 14. 13.625 (4) of the statutes is repealed.

SECTION 15. 13.625 (6) of the statutes is amended to read:

13.625 (6) Subsections (1) (b) and (c), (2) and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is 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 or to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt thereof by such spouse of anything of pecuniary value by that relative or individual residing in the same household as the individual.

SECTION 16. 13.625 (6g) of the statutes is created to read:

13.625 (6g) (a) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal that is a local governmental unit to a legislative official or an agency official who is an elected official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated elected officials of the same local governmental unit.

(b) Subsections (1) (b) and (3) do not apply to the furnishing of a per diem or reimbursement for actual and reasonable expenses by a principal that is a local governmental unit to a legislative official or an agency official who is an appointed official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated appointed officials of the same local governmental unit.

SECTION 16g. 13.625 (6r) of the statutes is created to read:

13.625 (6r) Subsections (1) (b) and (c) and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employe of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employes and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances.

SECTION 16m. 13.625 (6s) of the statutes is created to read:

13.625 (6s) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal to an officer or employe of the university of Wisconsin system, or the solicitation or acceptance thereof by such an officer or employe, for service as a member of the governing body of the principal, in an

amount not exceeding the amount furnished to other members of the governing body for the same service.

SECTION 16n. 13.625 (6t) of the statutes is created to read:

13.625 (6t) Subsections (1) (b), (2) and (3) do not apply to the furnishing of educational or informational material by a lobbyist or principal to an elected state official, legislative official or agency official, or acceptance thereof by an elected state official, legislative official or agency official.

SECTION 17. 13.625 (7) of the statutes is amended to read:

13.625 (7) This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses for a published work or for the presentation of a talk or program, the topic of which concerns legislative, administrative, executive or judicial processes or proposals initiated by or affecting state government as authorized under s. 19.56 for the activities listed in that section.

Vetoed
in Part

SECTION 17m. 13.63 (1) of the statutes is amended to read:

13.63 (1) LICENSES; FEES; ELIGIBILITY. An application for a license to act as a lobbyist may be obtained from and filed with the secretary of state board. Upon approval of the application and payment of the license fee under s. 13.75 (1) to the secretary of state board, a license shall be issued which entitles the licensee to practice lobbying on behalf of one principal. A lobbyist shall pay an additional license fee under s. 13.75 (1) for each additional principal which the lobbyist represents. The license shall expire on December 31 of each even-numbered year. No application may be disapproved by the secretary of state board 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 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.63 (1) (title) LICENSES. An application for a license to act as a lobbyist may be obtained from and filed with the board. The application shall be signed, under the penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the license fee under s. 13.75 (1) to the board, the board shall issue a license shall be issued which entitles the licensee to practice lobbying on behalf of one principal. A lobbyist shall pay an additional license fee under s. 13.75 (1) for each additional principal which the lobbyist represents or more registered principals who or which have filed an authorization under s. 13.65 for that lobbyist. The license shall expire on December 31 of each even-numbered year. No application may be disapproved by the board 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 18m. 13.63 (2) of the statutes is amended 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 board~~ 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 board~~ 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. 227.42 regarding such suspension.

SECTION 19. 13.63 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 13.68 (6) and amended to read:

13.68 (6) (title) SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT. If a principal fails to timely file a complete expense statement ~~required under s. 13.68~~ this section, the board 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 board shall mail written notices to the principal and to any lobbyist ~~who has filed pursuant to s. 13.65~~ for whom a written authorization has been filed under s. 13.65 to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement within 10 business days after the date of mailing of the notices, no lobbyist is ~~permitted to~~ may 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~~ is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.42 regarding ~~such~~ the suspension.

SECTION 20. 13.63 (3) of the statutes is renumbered 13.63 (2).

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

13.64 Lobbying registry. Every principal who employs a lobbyist shall within one week after such employment cause its name and the name of its lobbyist to be filed with the ~~secretary of state board~~, 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 board~~ and such fact 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 board~~ 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. 13.64 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

13.64 Lobbying registry. (1) Every principal who makes expenditures or incurs obligations in an aggregate amount exceeding \$500 in a calendar year for the purpose of engaging in lobbying which is not exempt under s. 13.621 shall, within 10 days after exceeding \$500, cause to be filed with the board a registration statement specifying the principal's name, business address, the general areas of legislative and administrative action which the principal is attempting to influence, the names of any agencies in which the principal seeks to influence administrative action, and information sufficient to identify the nature and interest of the principal. The statement shall be signed, under the penalty for making false statements under s. 13.69 (6m), by an individual identified under par. (e) who is authorized to represent the principal. The statement shall include:

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

(b) If the principal is a business entity, a description of the business activity in which the principal 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.

(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, profes-

sion 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.

(e) The name and position or relationship to the principal of any designee who is authorized to sign other documents required under this section or s. 13.68 (1).

(2) The registration shall expire on December 31 of each even-numbered year. If all lobbying by or on behalf of the principal which is not exempt under s. 13.621 ceases, the board shall terminate the principal's registration and any authorizations under s. 13.65 as of the day after the principal files a statement of cessation and expense statements under s. 13.68 for the period covering all dates on which the principal was registered.

(3) Each principal registered under this section shall, before the principal or a lobbyist for the principal attempts to influence legislative or administrative action in any general area or agency not previously filed with the board, provide written notice to the board of the general area or agency in which the principal or a lobbyist for the principal will attempt to influence legislative or administrative action and in relation to which a lobbyist is employed.

SECTION 21g. 13.65 (title) of the statutes is repealed.

SECTION 21r. 13.65 (1) of the statutes is amended to read:

13.65 (1) The ~~secretary of state board~~ shall prepare and keep a file in which shall be entered the name and business address of each principal and lobbyist required to be registered under s. 13.64 and the general areas of legislative and administrative action to which the 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.

SECTION 22. 13.65 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 22g. 13.65 (2) of the statutes is repealed.

SECTION 22r. 13.65 (3) of the statutes is amended to read:

13.65 (3) Within 10 days after his registration, a lobbyist shall file with the ~~secretary of state board~~ a written authorization to act as such, signed by his principal.

SECTION 23. 13.65 (3) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 13.65 and amended to read:

13.65 (title) Lobbyist authorization. ~~Within 10 days after his registration, a~~ Before engaging in lobbying on behalf of a principal, a lobbyist or the principal who employs a lobbyist shall file with the board a written authorization to act as such for the lobbyist to represent the principal, signed by his or on behalf of the principal. A lobbyist or principal shall file a separate

authorization for each principal represented by a lobbyist.

SECTION 24. 13.66 (title) of the statutes is repealed.

SECTION 25. 13.66 (1) of the statutes is renumbered 13.66 and amended to read:

13.66 Restrictions on practice of lobbying. ~~Unless exempted from coverage by this subchapter pursuant to~~ Except as authorized under s. 13.621, no person may engage in lobbying as a lobbyist unless the person has been ~~duly~~ licensed under s. 13.63 and ~~unless that person's name appears in the file as employed in respect to such matters as that person is attempting to influence. No has been authorized to act as a lobbyist for the principal whom the lobbyist represents under s. 13.65. Except as authorized under s. 13.621, no principal may authorize or permit its lobbyist to practice engage in lobbying in respect to any legislative or administrative action until the lobbyist is duly licensed and the name of the lobbyist is duly entered in the file principal is registered under s. 13.64.~~

SECTION 25m. 13.66 (2) of the statutes is amended to read:

13.66 (2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the ~~secretary of state board.~~

SECTION 26. 13.66 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 26m. 13.67 of the statutes is amended to read:

13.67 Reports by lobbyist. 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 board~~ at the time of filing the statement under s. 13.68.

SECTION 27. 13.67 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 13.68 (4) and amended to read:

13.68 (4) **REPORTS BY LOBBYIST.** A lobbyist whose activities and expenditures ~~must are required to be~~ reported by a principal ~~pursuant to s. 13.68 under sub. (1)~~ 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~~ the statement. ~~The~~ The principal shall file a copy of the information shall be in writing, signed by the lobbyist and a copy shall be filed by the principal under the penalty for making false statements provided in s. 13.69 (6m), with the board at the time of filing the statement under s. 13.68 sub. (1).

SECTION 28. 13.68 (title) of the statutes is amended to read:

13.68 (title) Principal's expense statement.

SECTION 28m. 13.68 (intro.) of the statutes is amended to read:

13.68 Statement of expense by principal. (intro.) Every principal whose name appears in the file shall, on or before July 30 and January 30, file with the ~~secretary of state board~~ 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:

SECTION 29. 13.68 (intro.) (except 13.68 (title)) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 30. 13.68 (1) to (3) of the statutes are repealed and recreated to read:

13.68 (1) STATEMENT. Every principal which is registered under s. 13.64 shall, on or before July 31 and January 31, file with the board an expense statement covering the preceding reporting period. The statement shall be signed, under the penalty for making false statements provided in s. 13.69 (6m), by an individual identified under s. 13.64 (1) (e) who is authorized to represent the principal. The statement shall contain the following information:

(a) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations specified in pars. (b), (d) and (e). With respect to expenditures and obligations included in the amount reported under this paragraph:

1. Lobbying expenditures made and obligations incurred for lobbying shall include compensation to lobbyists for lobbying, whether in cash or in-kind, and reimbursements to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.

2. Except as provided in subd. 3, lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.

3. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subdivision if the use in lobbying occurs more than 3 years

after the completion of the research or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total. Any estimate or allocation of expenditures and obligations made in good faith, under this subdivision, fulfills the requirements of this subdivision.

4. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies or analyses in lobbying shall be included in the aggregate total.

5. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence legislative or administrative action shall be included in the aggregate total, if the total amount of all such lobbying expenditures made and obligations incurred exceeds \$500 during the reporting period.

6. If the total amount of lobbying expenditures and obligations, included in the aggregate total under this paragraph, made or incurred to any lobbyist for the principal exceeds \$200 during the reporting period, the name and address of the lobbyist and the total amount of the lobbying expenditures made or obligations incurred to the lobbyist during the reporting period shall be listed.

(b) If a lobbyist is an employe, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies and compensation of employes who are utilized in preparing for lobbying communications. Any lobbying expenditures made or obligations incurred for office overhead costs which are included in the amount reported under par. (a) 1 shall not be included in the amounts reported under this paragraph.

(c) A detailed description of each subject area in which the principal attempted to influence legislative or administrative action during the reporting period, including all of the following:

1. The number, subject matter and specific issues addressed in the legislative proposals or administrative rules, if any, on which the principal attempted to influence legislative or administrative action in each subject area.

2. A contemporaneous record disclosing the time and resources spent on each attempt to influence legislative or administrative action in each subject area. The contemporaneous record shall be supplied on a form provided by the board and shall include an

itemization of the time and resources spent on research and preparation, the time spent meeting with elective state officials, agency officials, legislative employes of the state and other state employes having decision-making authority, and any other activity which includes lobbying.

(d) The name of any agency official, legislative employe, elective state official or candidate for elective state office to whom the principal or any lobbyist for the principal provided reimbursement authorized under s. 13.625 (7) and the date and amount reimbursed.

(e) The total lobbying expenditures made and obligations incurred for personal travel and living expenses.

(2) ESTIMATES. If the principal compensates or reimburses a lobbyist or employe both for lobbying activities or expenses which are not exempt under s. 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1 or 6, the lobbyist or principal may either report the entire amount of the compensation or reimbursement or estimate and report the portion of the compensation or reimbursement paid for nonexempt lobbying activities or expenses.

(3) EXEMPT ACTIVITIES. Lobbying expenditures made and obligations incurred for activities identified under s. 13.621 (1) (a) to (f) and (3) are not required to be reported under sub. (1), regardless of whether the principal or a lobbyist for the principal also engages in lobbying activities which are not identified in s. 13.621 (1) (a) to (f) and (3).

SECTION 31. 13.68 (4) of the statutes is repealed.

SECTION 32. 13.68 (5) of the statutes is repealed and recreated to read:

13.68 (5) RECORDS. All accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement shall be obtained, organized and preserved by the principal and any lobbyist engaged by the principal for 3 years after the date of filing the expense statement.

SECTION 33. 13.685 (title) of the statutes is amended to read:

13.685 (title) Duties of the ethics board.

SECTION 33c. 13.685 (1) of the statutes is amended to read:

13.685 (1) The ~~secretary of state board~~ 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.

SECTION 33g. 13.685 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.685 (1) The board shall prescribe forms and instructions for preparing and filing license applications under s. 13.63 (1), ~~lobbyist registration and authorization statements~~ applications under ss. s.

13.64 ~~and 13.65~~ and the statements required under ss. 13.68 and 13.695.

SECTION 33n. 13.685 (2) of the statutes is amended to read:

13.685 (2) The ~~secretary of state board~~ 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.

SECTION 33r. 13.685 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.685 (2) The board 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~~ 13.68 (4) or to file statements under s. 13.68 or 13.695.

SECTION 33w. 13.685 (3) of the statutes is amended to read:

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

SECTION 34. 13.685 (4) to (6) of the statutes are repealed.

SECTION 36m. 13.685 (7) of the statutes is 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 board~~ shall, from ~~his or her~~ its records, submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report of 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 principals or agencies whom they represent and the 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. The ~~secretary of state board~~ shall also notify the chief clerk of 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 chief clerk so orders. The ~~secretary of state board~~ shall include in ~~his or her~~ its biennial report under s. 15.04 (1) (d), a summary of the statements ~~he or she~~ it has received under ss. 13.68 and 13.695.

SECTION 37. 13.685 (7) of the statutes, as affected by 1989 Wisconsin Act (this act), is 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 board shall, from its records, submit to the chief clerk of each house of the

legislature, for distribution to the legislature under s. 13.172 (2), a report of the names of lobbyists ~~registered~~ licensed under s. ~~13.64~~ 13.63 and the names of officers and employes of agencies filed under s. 13.695 who were not previously reported, the names of the principals or agencies whom they represent and the 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. The board shall also notify the chief clerk of 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 chief clerk so orders. The board shall include in its biennial report under s. 15.04 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

SECTION 38. 13.69 (1) of the statutes is amended to read:

13.69 (1) Any principal violating ss. 13.61 to 13.68 or 13.70 (4) or (5) or a rule of the ~~secretary of state~~ board promulgated under such sections may be 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.

SECTION 38g. 13.69 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.69 (1) Any principal violating ss. 13.61 to 13.68 or 13.70 (4) ~~or (5)~~ or a rule of the board promulgated under ~~such~~ those sections may be 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.

SECTION 38r. 13.69 (2), (3), (5) and (6) of the statutes are amended to read:

13.69 (2) Any lobbyist violating ss. 13.61 to 13.68 or a rule of the ~~secretary of state~~ board promulgated under such sections may be required to forfeit not more than \$1,000.

(3) Any lobbyist who falsifies information provided under s. ~~13.67~~ 13.68 (4) or any principal who files or any person who files or causes to be filed on behalf of any principal a falsified statement under s. 13.68 may be fined not more than \$1,000 or imprisoned in the county jail for not more than one year.

(5) Any officer or employe of an agency identified in a statement filed under s. 13.695 who violates s. ~~13.625 (1)~~ 13.695 (4) may be required to forfeit not more than \$1,000.

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

SECTION 39. 13.69 (6m) of the statutes is created to read:

13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63 (1), 13.64, 13.65 or 13.68 which he or she does not believe to be true may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

SECTION 40. 13.69 (7) of the statutes is amended to read:

13.69 (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 and a lobbyist who is convicted of a criminal violation is ineligible for licensure for a period of 5 years from the date of conviction.

SECTION 40g. 13.69 (8) of the statutes is amended to read:

13.69 (8) The attorney general, or the ~~secretary of state~~ board 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 40r. 13.69 (8) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.69 (8) The attorney general, ~~or the board after informing the attorney general at the request of the board~~, 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 41. 13.695 (1) (intro.) of the statutes is amended to read:

13.695 (1) (intro.) Each agency shall file with the ~~secretary of state~~ board on or before January 30 and July 30 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 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

SECTION 41g. 13.695 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.695 (1) (intro.) Each agency shall file with the board on or before January ~~30~~ 31 and July ~~30~~ 31 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 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

SECTION 41r. 13.695 (2) of the statutes is amended to read:

13.695 (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~~ board within 10 days of the change.

SECTION 42. 13.70 (title) of the statutes is renumbered 13.621 (title).

SECTION 43. 13.70 (1) of the statutes is renumbered 13.621 (1), and 13.621 (1) (intro.) and (a) to (d), as renumbered, are amended to read:

13.621 (1) (title) COMPLETE EXEMPTION FOR CERTAIN CONDUCT. (intro.) 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 Lobbying through communications media, to or by 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, Except as provided in s. 13.68 (1) (a) 5, news or 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 by that agency or its employes.

(d) Lobbying of an agency official by an ~~officer or employe~~ agency official of a different agency or another agency official of the same agency.

SECTION 44. 13.70 (2) and (3) of the statutes are renumbered 13.621 (2) and (3) and amended to read:

13.621 (2) (title) STATE AGENCY LOBBYING ACTIVITIES. An agency which files a statement under s. 13.695 and an ~~employe official of such the~~ agency who is named in a the statement are not subject to s. 13.625, 13.63, 13.64, ~~13.67~~ 13.65 or 13.68 except as provided in s. 13.695.

(3) (title) PERFORMANCE OF PUBLIC OFFICIAL DUTIES. 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, 13.65, 13.68 or 13.695~~ when acting in an official capacity.

SECTION 45. 13.70 (4) of the statutes is repealed.

SECTION 45m. 13.70 (5) of the statutes is amended to read:

13.70 (5) Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount 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~~ board. The statement shall disclose the name, address and telephone number of the principal and a brief description of each cause or interest for which the principal employs a lobbyist. 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. A statement filed under this subsection expires at midnight on December 31 of each year. 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. The fee paid under s. 13.75 (3) for filing a statement under this subsection shall be credited toward payment of the fee under s. 13.75 (2) if the fee under s. 13.75 (2) is paid within the same year.

SECTION 46. 13.70 (5) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

13.70 (5) Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount not ~~in excess of~~ exceeding \$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 board. The statement shall disclose the name, address and telephone number of the principal and a brief description of each cause or interest for which the principal employs a lobbyist. 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. A statement filed under this subsection expires at midnight on December 31 of each year, or upon revocation by the principal, whichever is earlier. 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. The fee paid under s. 13.75 (3) for filing a statement under this subsection shall be credited toward payment of the fee under s. 13.75 (2) if the fee under s. 13.75 (2) is paid within the same year.

SECTION 47. 13.70 (6) of the statutes is renumbered 13.621 (6), and 13.621 (6) (intro.) and (b), as renumbered, are amended to read:

13.621 (6) (title) INDIVIDUAL RIGHT TO LOBBY. (intro.) Nothing in ss. 13.61 to ~~13.70~~ 13.695 may be applied to or interfere with the right of any person individual to engage in lobbying:

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

SECTION 48. 13.72 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 48m. 13.72 (1) of the statutes is amended to read:

13.72 (1) Whenever any thing of value is paid or a promise or agreement to pay any thing of value is given to the owner or publisher or any editor, reporter, agent or employe of any newspaper or other periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the legislature, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within 10 days after such publication, file with the secretary of state board a statement showing the amount of money or other thing of value paid or agreed to be paid and the name and address of the person from whom such payment or agreement was received.

SECTION 49. 13.74 of the statutes is amended to read:

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

(2) In the discharge of ~~his or her~~ its duties under this subchapter and upon notice to the party or parties being investigated, the secretary of state board may subpoena and bring before ~~him or her~~ it 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~~ its duties, the secretary of state board may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

SECTION 50. 13.75 (intro.), (1) and (2) of the statutes are amended to read:

13.75 Fees. (intro.) The secretary of state board shall charge and collect for the following purposes the following amounts:

(1) Obtaining a license under s. 13.63 (1), ~~\$25~~ \$50.

(2) Filing the ~~registration of principal and lobbyist registration~~ form under s. 13.64, ~~\$50~~ \$100.

SECTION 51. 13.75 (4) of the statutes is created to read:

13.75 (4) Filing an authorization statement under s. 13.65, \$10.

SECTION 52. 19.42 (1) of the statutes is amended to read:

19.42 (1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees, ~~honorariums~~ and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

SECTION 53. 19.44 (1) (e) of the statutes is amended to read:

19.44 (1) (e) The identity of each payer from which the individual who is required to file or a member of his or her immediate family received \$1,000 or more of his or her income for the preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she or his or her immediate family is engaged, then no identification need be made of a decedent's estate or an individual, not acting as a representative of an organization, unless the individual is a lobbyist as defined in s. 13.62. In addition, no identification need be made of payers from which only dividends or interest, ~~compensation or reimbursement of expenses~~ anything of pecuniary value reported under s. 19.56,

and or political contributions reported under ch. 11 were received.

SECTION 54. 19.45 (2) of the statutes is amended to read:

19.45 (2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

SECTION 55. 19.45 (3m) of the statutes is created to read:

19.45 (3m) No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with s. 19.56 (3).

Vetoed
in Part

~~SECTION 56. 19.45 (12) of the statutes is repealed.~~

SECTION 57. 19.46 (2) of the statutes is amended to read:

19.46 (2) Any individual, either personally or on behalf of an organization or governmental body, may request of the board an advisory opinion regarding the propriety of any matter to which the person is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The board's deliberations and actions upon such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this subchapter or subch. III of ch. 13 when a person refers a matter to the board and abides by the board's advisory opinion, if the material facts are as stated in the opinion request. The board may authorize the executive director to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No member or employe of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

SECTION 58. 19.47 (2) and (4) of the statutes are amended to read:

19.47 (2) The board shall appoint an executive director outside the classified service to serve at the pleasure of the board. The executive director shall appoint such other personnel as he or she requires to carry out the duties of the board. The executive director shall perform such duties as the board assigns to him or her in the administration of this subchapter and subch. III of ch. 13.

(4) Any action by the board ~~shall require, except an action relating to procedure of the board,~~ requires the affirmative vote of 4 of its members.

SECTION 59. 19.48 (1), (2), (3) and (7) of the statutes are amended to read:

19.48 (1) Adopt such rules as may be necessary to carry out this subchapter and subch. III of ch. 13. The board shall give prompt notice of the contents of its rules to state public officials who will be affected thereby.

(2) Prescribe and make available forms for use under this subchapter and subch. III of ch. 13, including the forms specified in s. 13.685 (1).

(3) Accept and file any information related to the purposes of this subchapter or subch. III of ch. 13 which is voluntarily supplied by any person in addition to the information required by this subchapter.

(7) Prepare and publish special reports and technical studies to further the purposes of this subchapter and subch. III of ch. 13.

SECTION 59m. 19.48 (9) of the statutes is created to read:

19.48 (9) Administer a program to explain and interpret this subchapter and subch. III of ch. 13 for state public officials, and for elective state officials, candidates for state public office, legislative officials, agency officials and lobbyists, as defined in s. 13.62. The program shall provide advice regarding appropriate ethical and lobbying practices, with special emphasis on public interest lobbying. The board may delegate creation and implementation of the program to a group representing the public interest.

SECTION 60. 19.49 of the statutes is amended to read:

19.49 Complaints. (1) The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint in writing which states the name of any person alleged to have committed a violation of this subchapter or subch. III of ch. 13 and which sets forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint and a general statement of the applicable statutes with respect to such verified complaint. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this subchapter or subch. III of ch. 13, it shall dismiss the complaint and notify the complainant and the accused. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this subchapter or subch. III of ch. 13, it may make an investigation with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.

(2) Any ~~state public official~~ person to whom this subchapter or subch. III of ch. 13 may have application may request the board to make an investigation

of his or her own conduct or of allegations made by other persons as to his or her conduct. Such a request shall be made in writing and shall set forth in detail the reasons therefor.

(3) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this subchapter or subch. III of ch. 13 has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. ~~Such~~ Prior to invoking any power under s. 19.50, the board shall authorize an investigation shall be initiated by a resolution of the board and, which shall state the nature and purpose of the investigation and the actions or activities to be investigated. No investigation of any person may be commenced until it has been authorized by the board and until the Upon adoption of a resolution, the board shall notify each person who is the subject of the investigation has been notified of the investigation pursuant to sub. (4). If the board, during the course of an investigation, finds probable cause to believe that a violation of this subchapter or subch. III of ch. 13 has occurred, it may:

(a) If no verified complaint has been filed, make upon its own motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this subchapter or subch. III of ch. 13 and shall set forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable statutes with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

(b) If a verified complaint has been filed and the board finds probable cause to believe that a violation of this subchapter or subch. III of ch. 13, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the board, the board shall send a copy of the amendment ~~shall be sent~~ to the person complained against within 48 hours.

(4) ~~As soon as it becomes apparent to the executive director that there exists probable cause for the belief that a particular person has committed a violation of this subchapter, the executive director shall apply to the board for a resolution authorizing the investigation and, if secured, Upon adoption of a resolution authorizing an investigation under sub. (3), the board shall mail a copy of the resolution to the each alleged violator who is identified in the resolution, together with a notice informing the alleged violator that such the person is the subject of the investigation authorized by such the resolution and a general statement of the applicable statutes with respect to such investigation. Service of the notice is complete upon mailing.~~

(5) No action may be taken on any complaint which is filed later than 3 years after a violation of this subchapter or subch. III of ch. 13 is alleged to have occurred.

SECTION 61. 19.50 (intro.) and (1) of the statutes are amended to read:

19.50 Investigations. (intro.) Pursuant to any investigation authorized under s. 19.49 (3) or any hearing conducted under this subchapter or subch. III of ch. 13, the board has the power:

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

SECTION 62. 19.51 (1) (intro.) and (b) of the statutes are amended to read:

19.51 (1) (intro.) At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this subchapter or subch. III of ch. 13 has occurred. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this subchapter or subch. III of ch. 13 has been committed, its preliminary findings of fact and conclusions may contain:

(b) An order setting a date for hearing to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred. The board shall serve the order upon the accused. A hearing ordered under this paragraph shall be commenced within 30 days after the date that it is ordered unless the accused petitions for and the board consents to a later date. Prior to any hearing ordered under this paragraph, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

SECTION 63. 19.52 (1), (3) and (4) of the statutes are amended to read:

19.52 (1) Every hearing or rehearing under this subchapter shall be conducted in accordance with the requirements of ch. 227, except as otherwise expressly provided. During any investigation and during any hearing which is conducted to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred, the person under investigation or the accused may be represented by counsel of his or her own choosing and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint which has been filed against him or her, to examine all documents and records obtained or prepared by the board in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to

question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses, and shall otherwise be able to exercise fully any pretrial discovery procedure usually available in civil actions. During any hearing conducted by the board to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred, all evidence including certified copies of records which the board considers shall be fully offered and made a part of the record in the proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the board shall issue subpoenas to compel the attendance of necessary witnesses.

(3) Chapters 901 to 911 apply to the admission of evidence at the hearing. The board shall not find a violation of this subchapter or subch. III of ch. 13 except upon clear and convincing evidence admitted at the hearing.

(4) After the conclusion of the hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this subchapter or subch. III of ch. 13. The board shall not begin deliberations until after the proposed decision under s. 227.46 (2) is served and opportunity is given for arguments.

SECTION 64. 19.53 (intro.), (5) and (6) of the statutes are amended to read:

19.53 Findings of fact and conclusions; orders and recommendations. (intro.) If the board determines that no violation of this subchapter or subch. III of ch. 13 has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that a violation of this subchapter or subch. III of ch. 13 has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

(5) An order requiring the accused to conform his or her conduct to this subchapter or subch. III of ch. 13.

(6) An order requiring the accused to forfeit not more than \$500 for each violation of s. 19.43, 19.44 or 19.56 (2) or not more than \$5,000 for each violation of any other provision of this subchapter, or not more than the applicable amount specified in s. 13.69 for each violation of subch. III of ch. 13; and, if the board determines that the accused has realized economic gain as a result of the violation, an order requiring the accused to forfeit the amount gained as a result of the violation. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section or s. 19.545 which is not paid by the person against whom it is assessed.

SECTION 65. 19.53 (7) of the statutes is renumbered 19.53 (8) and amended to read:

19.53 (8) Such other recommendation or order as may be necessary and appropriate and is consistent with the intent and purposes of this subchapter or subch. III of ch. 13.

SECTION 66. 19.53 (7) of the statutes is created to read:

19.53 (7) An order revoking the license of any lobbyist who violates ss. 13.61 to 13.68 for a period not to exceed 3 years.

SECTION 67. 19.545 of the statutes is amended to read:

19.545 Settlements. (1) The board may compromise and settle any action or potential action for a violation of this subchapter or subch. III of ch. 13 which the board is authorized to take under s. 19.53. Notwithstanding s. 778.06, an action may be settled for such sum as may be agreed upon between the board and the alleged violator.

(2) Whenever the board enters into a settlement agreement with an individual who is accused of a violation of this subchapter or subch. III of ch. 13 or who is investigated by the board for a possible violation of this subchapter or subch. III of ch. 13, the board shall reduce the agreement to writing, together with a statement of the board's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection under s. 19.55 (1).

SECTION 68. 19.55 (2) (intro.) of the statutes is amended to read:

19.55 (2) (intro.) ~~Notwithstanding s. 19.35, the~~ The following records in the board's possession are not open for public inspection:

SECTION 69. 19.55 (2) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

19.55 (2) (b) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this subchapter or subch. III of ch. 13 has occurred. Whenever the board refers such investigation and hearing records to a district attorney or to the attorney general, they may be made public in the course of a prosecution initiated under this subchapter.

SECTION 70. 19.56 (2) ~~(a) and (b)~~ (intro.) and 3 and (3) of the statutes are amended to read:

19.56 (2) (a) ~~Except as provided in par. (b), every official required to file who receives for a published work or for the presentation of a talk or participation in a meeting program, any lodging, transportation, money or other thing with a combined pecuniary value exceeding \$50 excluding the value of food or beverage offered coincidentally with the official's presentation of a talk or meeting program shall, on his or her statement of economic interests, report the identity of every person from whom the official receives such lodging, transportation, money or other thing~~

Vetoed
in Part

Vetoed
in Part

Vetoed in Part during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.

(b) (intro.) An official need not report on his or her statement of economic interests under par. (a) information pertaining to any compensation, reimbursement or payment lodging, transportation, money or other thing of pecuniary value which:

3. The official can show by clear and convincing evidence was unrelated to and did not arise from the recipient's holding or having held a public office and was made for a purpose unrelated to the purposes specified in sub. (1) and unrelated to the duties or responsibilities of the official's position;

(3) Notwithstanding s. 19.45, a:

(a) A state public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official may retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting and program related to a topic specified in sub. (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

Vetoed in Part

(b) A state public official may receive and retain reasonable compensation if the work is published or the activity is accomplished by the official without the anything of value if the activity or occasion for which it is given is unrelated to the official's use of the state's time, facilities, services or supplies not generally available to all citizens of this state and, in the case of an official not holding an elective office, outside the course of his or her official duties the official can show by clear and convincing evidence that the payment or

SECTION 71. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

20.521 Ethics board

(2) LOBBYING REGULATION

(a) General program operations

(g) Lobbying regulation fees

		1989-90	1990-91
GPR	A	-0-	173,000
PR	A	-0-	-0-

SECTION 72. 20.521 (intro.) of the statutes is amended to read:

20.521 Ethics board. (intro.) There is appropriated to the ethics board for the following ~~program~~ programs:

SECTION 73. 20.521 (2) of the statutes is created to read:

20.521 (2) LOBBYING REGULATION. (a) *General program operations.* The amounts in the schedule for the administration of subch. III of ch. 13.

(g) *Lobbying regulation fees.* The amounts in the schedule for the administration of subch. III of ch. 13. All moneys received from fees collected under s. 13.75 shall be credited to this appropriation.

SECTION 74. 25.18 (2) (a) of the statutes is amended to read:

reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in sub. (1).

(4) If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or ~~the presentation of a talk or meeting program~~, the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record, with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.

Vetoed in Part

SECTION 70m. 19.56 (3) (c) and (d) of the statutes are created to read:

19.56 (3) (c) A state public official may receive and retain from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

(d) A state public official may receive and retain from a political committee under ch. 11 transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of costs permitted and reported in accordance with ch. 11.

25.18 (2) (a) Nominate employes, members, agents or other representatives of the board to serve as directors of corporations, companies, associations or any other legal entities and allow them to serve as such representing the board. Notwithstanding ss. 19.56 (3) and 25.16 (2), members, agents or other representatives of the board, except employes, may retain any compensation paid to them as directors. An employe of the board who receives compensation for serving as a director shall deposit the compensation with the board.

SECTION 75. 196.595 (1) (a) 1m of the statutes is amended to read:

196.595 (1) (a) 1m. Any material which provides information favorable to a public utility on any issue about which the utility is attempting to influence legis-

lative or administrative action by direct oral or written communication with any elective state official, agency official or legislative official employe if the practice is regulated under subch. III of ch. 13.

SECTION 75m. 778.136 of the statutes is amended to read:

778.136 Lobbying forfeitures; how recovered. Notwithstanding s. 778.13, whenever any moneys are received by the ~~secretary of state~~ board in settlement of a civil action for violation of the lobbying law under s. 13.685 (5), the moneys shall accrue to the state and be deposited with the state treasurer.

SECTION 76. 778.136 of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

778.136 (title) Ethics and lobbying forfeitures; how recovered. Notwithstanding s. 778.13, whenever any moneys are received by the ethics board or attorney general in settlement of a civil action or other civil matter for violation of the lobbying law or code of ethics for state public officials and employes under s. ~~13.685 (5)~~ 19.545, the moneys shall accrue to the state and be deposited with the state treasurer.

SECTION 77. **Nonstatutory provisions.** (1) **REPORT ON LOBBYING RESEARCH EXPENSES.** The ethics board shall review the reporting of expenditures made and obligations incurred for conducting, compiling and preparing research, information, statistics, studies and analyses used in lobbying under section 13.68 (1) (a) 3 and 4 of the statutes, as affected by this act. The ethics board shall report to the chief clerk of each house of the legislature, for distribution in the manner prescribed under section 13.172 (2) of the statutes, on or before January 1, 1993, as to the functioning and effect of these provisions. The report shall include the board's recommendations for legislative changes in the requirements for reporting these expenditures and obligations, if any.

(2) **LOBBYIST LICENSE; TRANSITIONAL PROVISION.** Any individual who obtains a lobbyist's license under section 13.63 (1), 1987 stats., on or after January 1, 1989, but before the effective date of this subsection is not required to obtain a license to act for that principal under section 13.64 of the statutes, as affected by this act, before January 1, 1991.

(3) **TRANSFER OF FUNCTIONS.** (a) On the effective date of this paragraph, all records of the secretary of state relating to the regulation of lobbying under subchapter III of chapter 13 of the statutes are transferred to the ethics board. The department of administration shall develop a plan for the orderly transfer thereof.

(b) On the effective date of this paragraph, assets and liabilities of the secretary of state relating to the regulation of lobbying under subchapter III of chapter 13 of the statutes, as determined by the department of administration, shall become the assets and liabilities of the ethics board. The department of administration shall develop a plan for the orderly transfer thereof.

(c) On the effective date of this paragraph, all materials, supplies, furniture and capital equipment of the secretary of state which are used primarily for the regulation of lobbying under subchapter III of chapter 13 of the statutes, as determined by the department of administration, are transferred to the ethics board. The department of administration shall develop a plan for the orderly transfer thereof.

(d) The authorized FTE positions for the ethics board are increased by 1.0 GPR attorney position, 0.5 GPR administrative assistant position, 0.5 GPR program assistant position and 1.0 GPR regulation compliance investigator position on July 1, 1990, to be funded from the appropriation under section 20.521 (2) (a) of the statutes, as created by the act.

(f) All rules and orders issued and all contracts entered into by the office of the secretary of state pursuant to its functions under subchapter III of chapter 13 of the statutes prior to the effective date of this paragraph shall remain in full force and effect until modified or rescinded by the ethics board. Unless modified or rescinded, all contractual obligations shall be carried out by the ethics board.

(g) Any matter pending with the secretary of state on the effective date of this paragraph, relating to the regulation of lobbying under subchapter III of chapter 13 of the statutes, is transferred to the ethics board. All materials submitted to or actions taken by the secretary of state with respect to the pending matter are deemed to have been submitted to or taken by the ethics board.

(h) On and after the effective date of this paragraph, the ethics board may collect any amount payable to the secretary of state prior to the effective date of this paragraph relating to the regulation of lobbying under subchapter III of chapter 13 of the statutes and the amount collected shall be credited to the applicable appropriation or fund as provided by law.

(4) **INITIAL FUNDING ALLOCATION.** Of the amounts appropriated under section 20.521 (2) (a) of the statutes, as created by this act, \$27,000 in fiscal year 1990-91 is allocated for the purchase of computer equipment, furniture, supplies and services.

~~(5) **STUDY OF PUBLIC INTEREST LOBBYING PARTICIPATION.** The ethics board shall review statements filed under subchapter III of chapter 13 of the statutes to ascertain the degree of participation in the legislative process by public interest lobbyists in comparison to the degree of participation in that process by lobbyists representing interests having significant financial resources. The study shall include an evaluation of the feasibility of establishing a fund to enable participation in the legislative process by groups who wish to participate but who have insufficient financial resources to support meaningful participation. The study shall also include an evaluation of the feasibility of instituting a compensation program similar to the program authorized under section 196.31 of the statutes. The ethics board shall report the results of its~~

Vetoed
in Part

**Vetoed
in Part** study and recommendations to the chief clerk of each house of the 1991 legislature for distribution in the manner provided in section 13.172 (2) of the statutes no later than January 15, 1991.

(6) **STUDY OF LOCAL GOVERNMENT STANDARDS OF CONDUCT.** The legislative council is requested to study the extent to which standards of conduct are prescribed for public officials of counties, municipalities and school districts and to determine the need for adopting uniform standards of conduct for such officials and employees. The legislative council is requested to report the results of its study and its recommendations to the chief clerk of each house of the 1991 legislature for distribution in the manner provided under section 13.172 (2) of the statutes, no later than January 15, 1991.

SECTION 77m. Appropriation changes; secretary of state. The dollar amount in the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the secretary of state under section 20.575 (1) (a) of the statutes, as affected by the acts of 1989, is decreased by \$32,000 for fiscal year 1990-91 to decrease the authorized FTE positions for the office

by 1.0 GPR regulation compliance investigator position.

SECTION 78. Initial applicability. The treatment of sections 13.67 and 13.68 of the statutes first applies to expense statements and reports filed covering the reporting period beginning on January 1, 1991, and ending on June 30, 1991.

SECTION 79. Effective dates. This act takes effect on January 1, 1991, except as follows:

(1) The treatment of sections 13.62 (4), 13.63 (1) (by SECTION 17m) and (2) (by SECTION 18m), 13.65 (3) (by SECTION 22r), 13.67 (by SECTION 26m), 13.685 (title), (1) (by SECTION 33c), (2) (by SECTION 33n), (3) and (7) (by SECTION 36m), 13.69 (1) (by SECTION 38), (2), and (8) (by SECTION 40g), 13.695 (1) (intro.) (by SECTION 41) and (2), 13.70 (5) (by SECTION 45m), 13.74, 13.75 (intro.), 20.521 (intro.) and (2) (title) and (a) and 778.136 (by SECTION 75m) of the statutes, the amendment of sections 13.62 (7), 13.64, 13.65 (1), 13.66 (2), 13.68 (intro.) and 13.72 (1) of the statutes and SECTION 77 (3) of this act take effect July 1, 1990.

(2) SECTION 77 (4) of this act takes effect on the day after publication.