



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 57**

November 11, 1997 - Offered by COMMITTEE ON STATE AFFAIRS.

1 **AN ACT to repeal** 13.68 (1) (c) (intro.) and 1.; **to renumber** 13.68 (2); **to**
2 **renumber and amend** 13.68 (1) (c) 2.; **to amend** 13.64 (1) (e), 13.68 (1) (a)
3 (intro.), 13.68 (1) (a) 3., 13.68 (1) (e), 13.68 (2) (title), 13.68 (5), 13.69 (1), 13.69
4 (2), 13.69 (6m) and 20.521 (1) (i); **to repeal and recreate** 13.69 (2m); and **to**
5 **create** 13.67, 13.68 (1) (bn), 13.68 (1) (cm), 13.68 (2) (b) and (c), 13.69 (2m),
6 13.75 (5) and 19.48 (10) of the statutes; **relating to:** reporting by principals
7 with respect to certain lobbying activities, voluntary registration by certain
8 persons with the ethics board, compilation and use of certain information
9 provided to the ethics board, making an appropriation and providing penalties.

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

10 **SECTION 1.** 13.64 (1) (e) of the statutes is amended to read:

1 13.64 (1) (e) The name and position or relationship to the principal of any
2 designee who is authorized to sign other documents required under this section or
3 s. 13.65, 13.67 or 13.68 (1).

4 **SECTION 2.** 13.67 of the statutes is created to read:

5 **13.67 Identification of legislative and administrative proposals. (1)**

6 Except as authorized under s. 13.621, no person may engage in lobbying as a lobbyist
7 on behalf of a principal and no principal may authorize a lobbyist to engage in
8 lobbying on its behalf unless the principal reports to the board, in such manner as
9 the board may prescribe, each bill or proposed rule number in connection with which
10 the principal has made or intends to make a lobbying communication. The principal
11 shall file the report no later than the end of the 15th day after the date on which the
12 principal makes a lobbying communication with respect to a legislative proposal or
13 proposed administrative rule not previously reported by the principal under this
14 section during the biennial period for which the principal is registered. With respect
15 to a lobbying communication relating to the executive budget bill or bills introduced
16 under s. 16.47, the principal shall further identify from among topics provided by the
17 board the topic or topics of its lobbying communications, if any. The report shall be
18 made by a person who is identified by the principal under s. 13.64 (1) (e).

19 **(2)** Any person who is not a principal may, upon payment of the fee prescribed
20 under s. 13.75 (5), register with the board an interest in any bill or proposed
21 administrative rule.

22 **SECTION 3.** 13.68 (1) (a) (intro.) of the statutes is amended to read:

23 13.68 (1) (a) (intro.) The aggregate total amount of lobbying expenditures made
24 and obligations incurred for lobbying activities by the principal and all lobbyists for
25 the principal, excluding lobbying expenditures and obligations for the principal's

1 clerical employees, lobbying expenditures and obligations for any employe of the
2 principal who is not a lobbyist and who devotes not more than 10 hours to lobbying
3 during a reporting period, and lobbying expenditures and obligations specified in
4 pars. (b), (d) and (e). With respect to expenditures and obligations included in the
5 amount reported under this paragraph:

6 **SECTION 4.** 13.68 (1) (a) 3. of the statutes is amended to read:

7 13.68 (1) (a) 3. A reasonable estimate of lobbying expenditures made and
8 obligations incurred for conducting, compiling or preparing research, information,
9 statistics, studies or analyses used in lobbying shall be included in the aggregate
10 total. Lobbying expenditures and obligations shall not be reported under this
11 subdivision if the use in lobbying occurs more than 3 years after the completion of
12 the research or the compilation or preparation of the information, statistics, studies
13 or analyses. If the research, information, statistics, studies or analyses are used by
14 the principal both for lobbying and for purposes other than lobbying, the principal
15 shall allocate the lobbying expenditures and obligations among the purposes for
16 which the research, information, statistics, studies or analyses are used and include
17 the portion allocated to lobbying in the aggregate total. ~~Any estimate or allocation~~
18 ~~of expenditures and obligations made in good faith, under this subdivision, fulfills~~
19 ~~the requirements of this subdivision.~~

20 **SECTION 5.** 13.68 (1) (bn) of the statutes is created to read:

21 13.68 (1) (bn) For each bill or proposed administrative rule that accounts for
22 10% or more of the principal's time spent in lobbying during the reporting period, the
23 principal's reasonable estimate of the proportion of its time spent in lobbying
24 associated with that bill or proposed rule. With respect to the executive budget bill
25 or bills introduced under s. 16.47, the principal shall further identify from topics

1 provided by the board each topic that accounts for 10% or more of the principal's time
2 spent in lobbying during the reporting period and the principal's reasonable estimate
3 of the proportion of its time spent in lobbying associated with that topic.

4 **SECTION 6.** 13.68 (1) (c) (intro.) and 1. of the statutes are repealed.

5 **SECTION 7.** 13.68 (1) (c) 2. of the statutes is renumbered 13.68 (1) (c) and
6 amended to read:

7 13.68 (1) (c) A ~~contemporaneous~~ record disclosing the amount of time and
8 resources spent on each attempt to influence legislative or administrative action in
9 each subject area. The ~~contemporaneous~~ record shall be supplied on a form provided
10 by the board and shall include ~~an a~~ a daily itemization of the time and resources, except
11 the time of a clerical employe, the time of an employe who is not a lobbyist and who
12 devotes not more than 10 hours to lobbying during a reporting period and the time
13 of an unpaid volunteer, spent by the principal on research and preparation, the time
14 spent meeting:

15 1. Meeting with elective state officials, agency officials, legislative employes of
16 the state and other state employes having decision-making authority, ~~and.~~

17 2. Research, preparation and any other activity which includes lobbying.

18 **SECTION 8.** 13.68 (1) (cm) of the statutes is created to read:

19 13.68 (1) (cm) The name of any employe of the principal, other than a clerical
20 employe, who is not a lobbyist and who devoted time to lobbying during the reporting
21 period which did not exceed 10 hours.

22 **SECTION 9.** 13.68 (1) (e) of the statutes is amended to read:

23 13.68 (1) (e) The total lobbying expenditures made and obligations incurred for
24 personal travel and living expenses, except for expenditures made or obligations

1 incurred for the travel and living expenses of unpaid volunteers if the primary
2 purpose of the travel is for reasons unrelated to lobbying.

3 **SECTION 10.** 13.68 (2) (title) of the statutes is amended to read:

4 13.68 (2) (title) ~~ESTIMATES~~ REPORTING PROCEDURE.

5 **SECTION 11.** 13.68 (2) of the statutes is renumbered 13.68 (2) (a).

6 **SECTION 12.** 13.68 (2) (b) and (c) of the statutes are created to read:

7 13.68 (2) (b) Any reasonable estimate or allocation made in good faith under
8 sub. (1) (a) 3. or (bn) or this subsection fulfills the requirements of this section.

9 (c) A principal may employ any reasonable method, acting in good faith, to
10 record daily the information required under sub. (1) (c).

11 **SECTION 13.** 13.68 (5) of the statutes is amended to read:

12 13.68 (5) RECORDS. ~~All~~ Each principal and each lobbyist engaged by a principal
13 shall obtain, organize and preserve all accounts, bills, receipts, books, papers and
14 other documents necessary to substantiate the expense statement ~~shall be obtained,~~
15 ~~organized and preserved by the principal and any lobbyist engaged by the principal,~~
16 including an account identifying the amount of time that a principal and each of its
17 authorized lobbyists spend on lobbying each day, for 3 years after the date of filing
18 the expense statement. A principal may permit its authorized lobbyist to maintain
19 any of the records identified in this subsection on its behalf.

20 **SECTION 14.** 13.69 (1) of the statutes is amended to read:

21 13.69 (1) ~~Any~~ Except as provided in sub. (2m), any principal violating ss. 13.61
22 to 13.68 or a rule of the board promulgated under those sections may be required to
23 forfeit not more than \$5,000. In the case of a partnership, each of the partners is
24 jointly and severally liable for any forfeiture imposed under this subsection.

25 **SECTION 15.** 13.69 (2) of the statutes is amended to read:

1 13.69 (2) ~~Any~~ Except as provided in sub. (2m), any lobbyist violating ss. 13.61
2 to 13.68 or a rule of the board promulgated under such sections may be required to
3 forfeit not more than \$1,000.

4 **SECTION 16.** 13.69 (2m) of the statutes is created to read:

5 13.69 (2m) The board shall reprimand any principal who the board finds has
6 failed to comply with s. 13.67 (1) if the principal has not been found to have committed
7 the same offense within the 3-year period preceding the date of the violation. Any
8 principal who fails to comply with s. 13.67 (1) a 2nd time within a period of 3 years
9 from the date of the first violation may be required to forfeit not more then \$100 for
10 the 2nd such offense.

11 **SECTION 17.** 13.69 (2m) of the statutes, as affected by 1997 Wisconsin Act
12 (this act), is repealed and recreated to read:

13 13.69 (2m) Any principal who fails to comply with s. 13.67 (1) and who has not
14 been found to have committed the same offense within the 3-year period preceding
15 the date of the violation may be required to forfeit not more than \$25. Any principal
16 who fails to comply with s. 13.67 (1) a 2nd time within a period of 3 years from the
17 date of the first violation may be required to forfeit not more than \$100 for the 2nd
18 offense.

19 **SECTION 18.** 13.69 (6m) of the statutes is amended to read:

20 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a
21 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
22 he or she does not believe to be true may be fined not more than \$10,000 or
23 imprisoned for not more than 5 years or both.

24 **SECTION 19.** 13.75 (5) of the statutes is created to read:

1 13.75 (5) Registering an interest in a bill or proposed administrative rule under
2 13.67 (2), \$10.

3 **SECTION 20.** 19.48 (10) of the statutes is created to read:

4 19.48 (10) Compile and make available information filed with the board in
5 ways designed to facilitate access to the information. The board may charge a fee to
6 a person requesting information for compiling, disseminating or making available
7 such information, except that the board shall not charge a fee for inspection at the
8 board's office of any record otherwise open to public inspection under s. 19.35 (1).

9 **SECTION 21.** 20.521 (1) (i) of the statutes is amended to read:

10 20.521 (1) (i) *Materials and services.* The amounts in the schedule for the costs
11 of publishing documents, locating and copying records, postage and shipping and
12 conducting programs under s. 19.48 (9) and of compiling, disseminating and making
13 available information prepared by and filed with the board under s. 19.48 (10). All
14 moneys received by the board from sales of documents, and from fees collected for
15 copies of records, for postage, for shipping and location fees, and from fees assessed
16 to participants in programs under s. 19.48 (9) and (10) shall be credited to this
17 appropriation account.

18 **SECTION 22. Nonstatutory provisions; information technology**
19 **support.**

20 (1) The department of administration shall cooperate with the ethics board
21 with respect to information technology support and shall provide information
22 technology support to the ethics board to effect implementation of this act.

23 **SECTION 23. Initial applicability.**

