



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4627/1
MDK:jld

2017 ASSEMBLY BILL 758

December 19, 2017 - Introduced by Representatives MURPHY, BERCEAU, ROHRKASTE, ANDERSON, BALLWEG, KUGLITSCH, SARGENT, BARCA and SUBECK, cosponsored by Senators FEYEN, RISSER, MILLER, OLSEN, BEWLEY and COWLES. Referred to Committee on Constitution and Ethics.

1 **AN ACT to repeal** 36.11 (55) and 946.13 (12) (b) 2.; **to renumber and amend**
2 946.13 (12) (a); **to consolidate, renumber and amend** 946.13 (12) (b) (intro.)
3 and 1.; **to amend** 946.13 (12) (c); and **to create** 946.13 (12) (a) 2. of the statutes;
4 **relating to:** University of Wisconsin research contracts.

Analysis by the Legislative Reference Bureau

This bill changes the requirements that apply to research contracts involving the University of Wisconsin System (system) or a two-year or four-year UW school. Current law generally prohibits a public officer or employee from participating in a contract in which he or she has a private pecuniary interest if the contract involves the officer's or employee's exercise of discretion as an officer or employee. Current law exempts from that prohibition contracts between the system or a UW school and a "research company," which is defined as an entity engaged in commercial activity that is related either to research conducted by a system employee or officer or to the product of such research. The exemption applies if the system employee or officer responsible for evaluating and managing potential conflicts of interest approves the contract. In addition, if the contract and all other contracts between the parties requires \$250,000 or more in payments over a 24-month period, the exemption applies only if the system submits the contract to the Board of Regents of the system and, within 45 days, the Board of Regents does not notify the system that entering into the contract would violate the prohibition.

This bill eliminates the exemption described above and creates a different exemption. Under the bill, the prohibition does not apply if any interest that a

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system employee or officer has in the research company has been evaluated and addressed in a management plan. In addition, the management plan must be issued by the individual or body responsible for evaluating and managing potential conflicts of interest. The bill's exemption applies regardless of the date that a contract is entered into. The bill also changes the definition of "research company" to refer to an entity engaged in research or development, instead of commercial activity, that is related to either research conducted by a system employee or officer or to a product of such research.

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

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

1 **SECTION 1.** 36.11 (55) of the statutes is repealed.

2 **SECTION 2.** 946.13 (12) (a) of the statutes is renumbered 946.13 (12) (a) (intro.)
3 and amended to read:

4 946.13 **(12)** (a) (intro.) In this subsection, "~~research;~~

5 1. "Research company" means an entity engaged in ~~commercial activity~~
6 research or development that is related to research conducted by an employee or
7 officer of the ~~University of Wisconsin System~~ system or to a product of such research.

8 **SECTION 3.** 946.13 (12) (a) 2. of the statutes is created to read:

9 946.13 **(12)** (a) 2. "System" means the University of Wisconsin System.

10 **SECTION 4.** 946.13 (12) (b) (intro.) and 1. of the statutes are consolidated,
11 renumbered 946.13 (12) (b) and amended to read:

12 946.13 **(12)** (b) Subsection (1) does not apply to a contract between a research
13 company and the ~~University of Wisconsin System~~ system or any institution or college
14 campus within the system for purchase of goods or services, including research, if the
15 following apply: 1. ~~The contract is approved by a University of Wisconsin System~~
16 interest that a system employee or officer has in the research company has been

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1 evaluated and addressed in a management plan issued by the individual or body
2 responsible for evaluating and managing potential conflicts of interest.

3 **SECTION 5.** 946.13 (12) (b) 2. of the statutes is repealed.

4 **SECTION 6.** 946.13 (12) (c) of the statutes is amended to read:

5 946.13 **(12)** (c) ~~Paragraphs (a) and Paragraph~~ (b) ~~apply~~ applies regardless of
6 the date on which a contract was entered into.

7 (END)