



2011 ASSEMBLY BILL 675

March 8, 2012 – Introduced by Representatives PASCH, VRUWINK, ZAMARRIPA and RINGHAND. Referred to Committee on Homeland Security and State Affairs.

1 **AN ACT to renumber and amend** 13.62 (1); **to amend** 13.67, 13.75 (5) and 19.45
2 (8) (b) and (c); and **to create** 13.62 (1) (b), 13.62 (12e), 13.68 (1) (bp) and 19.42
3 (11s) of the statutes; **relating to:** attempts to influence certain governmental
4 entities by former state officers and employees and attempts to influence state
5 procurement decisions.

Analysis by the Legislative Reference Bureau

Currently, except in the case of a former legislator or legislative employee, no former state public official may, for compensation: 1) for 12 months following the date on which he or she ceases to be a state public official, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the agency with which he or she was associated as a state public official within 12 months prior to the date on which he or she ceased to be a state public official; 2) for 12 months following the date on which he or she ceases to be a state public official, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of an agency in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former official's responsibility as a state public official within 12 months prior to the date on which he or she ceased to be a state public official; or 3) act on behalf of any party other than the state in connection with any judicial or quasi-judicial proceeding, application,

ASSEMBLY BILL 675

contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a state public official.

This bill adds “proposed procurement” to the matters that a former state public official is prohibited from attempting to influence for compensation under the current restrictions.

Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment for not more than one year or both for each violation.

Currently, with certain exceptions, a principal that engages a lobbyist to attempt to influence state lawmaking or rulemaking on the principal’s behalf must register and file semiannual reports with the Government Accountability Board containing specified information. This bill also requires registration and reporting, subject to the same exceptions, by any principal, whether or not currently subject to registration and reporting requirements, that engages a lobbyist to attempt to influence the specifications for or the award of any state procurement contract or order on behalf of the principal. Under the bill, a principal must report any proposed procurement with respect to which the principal attempts to influence administrative action, as well as the principal’s reasonable estimate of its time spent in lobbying associated with that procurement.

Violators are subject to a forfeiture of not more than \$5,000 for each violation, except that a principal that fails to report a proposed procurement that the principal is attempting to influence is subject to a forfeiture of not more than \$25 to \$100, depending upon whether the violation constitutes a first or subsequent offense within a three-year period. A principal that files a report that the principal does not believe is true is guilty of a felony and is subject to a fine of not more than \$10,000 or imprisonment for not more than six years or both for each violation.

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.** 13.62 (1) of the statutes is renumbered 13.62 (1) (intro.) and
2 amended to read:

3 13.62 (1) (intro.) “Administrative action” means the any of the following:

4 (a) The proposal, drafting, development, consideration, promulgation,
5 amendment, repeal or rejection by any agency of any rule promulgated under ch. 227.

6 **SECTION 2.** 13.62 (1) (b) of the statutes is created to read:

ASSEMBLY BILL 675

1 13.62 (1) (b) The consideration of specifications for a procurement by or the
2 award of a procurement contract or order by an agency.

3 **SECTION 3.** 13.62 (12e) of the statutes is created to read:

4 13.62 (12e) "Procurement" has the meaning given in s. 19.42 (11s).

5 **SECTION 4.** 13.67 of the statutes is amended to read:

6 **13.67 Identification of legislative and administrative proposals and**
7 **topics. (1)** Except as authorized under s. 13.621, no person may engage in lobbying
8 as a lobbyist on behalf of a principal and no principal may authorize a lobbyist to
9 engage in lobbying on its behalf unless the principal reports to the board, in such
10 manner as the board may prescribe, each legislative proposal, budget bill subject,
11 proposed procurement, and proposed administrative rule number in connection with
12 which the principal has made or intends to make a lobbying communication or, if the
13 lobbying does not relate to a legislative proposal or proposed administrative rule that
14 has been numbered or a specific proposed procurement or a budget bill subject, each
15 topic of a lobbying communication made or intended to be made by the principal. A
16 principal shall describe any topic of a lobbying communication with reasonable
17 specificity, sufficient to identify the subject matter of the lobbying communication
18 and whether the communication is an attempt to influence legislative or
19 administrative action, or both. The principal shall file the report no later than the
20 end of the 15th day after the date on which the principal makes a lobbying
21 communication with respect to a legislative proposal, proposed administrative rule,
22 proposed procurement, budget bill subject or other topic not previously reported by
23 the principal under this section during the biennial period for which the principal is
24 registered. The report shall be made by a person who is identified by the principal
25 under s. 13.64 (1) (e).

ASSEMBLY BILL 675**SECTION 4**

1 **(2)** Any person who is not a principal may, upon payment of the fee prescribed
2 under s. 13.75 (5), register with the board an interest in any legislative proposal,
3 proposed administrative rule, proposed procurement, budget bill subject or other
4 topic.

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

6 13.68 **(1)** (bp) For each proposed procurement in regard to which a lobbyist for
7 the principal attempted to influence administrative action, the principal's
8 reasonable estimate of the proportion of its time spent in lobbying associated with
9 that proposed procurement.

10 **SECTION 6.** 13.75 (5) of the statutes is amended to read:

11 13.75 **(5)** Registering an interest in a legislative proposal, proposed
12 administrative rule, proposed procurement, budget bill subject or other topic under
13 13.67 (2), \$10.

14 **SECTION 7.** 19.42 (11s) of the statutes is created to read:

15 19.42 **(11s)** "Procurement" means the purchase of materials, supplies,
16 equipment, or contractual services.

17 **SECTION 8.** 19.45 (8) (b) and (c) of the statutes are amended to read:

18 19.45 **(8)** (b) No former state public official, for 12 months following the date
19 on which he or she ceases to be a state public official, may, for compensation, on behalf
20 of any person other than a governmental entity, make any formal or informal
21 appearance before, or negotiate with, any officer or employee of a department in
22 connection with any judicial or quasi-judicial proceeding, application, contract,
23 proposed procurement, claim, or charge which might give rise to a judicial or
24 quasi-judicial proceeding which was under the former official's responsibility as a

ASSEMBLY BILL 675

1 state public official within 12 months prior to the date on which he or she ceased to
2 be a state public official.

3 (c) No former state public official may, for compensation, act on behalf of any
4 party other than the state in connection with any judicial or quasi-judicial
5 proceeding, application, contract, proposed procurement, claim, or charge which
6 might give rise to a judicial or quasi-judicial proceeding in which the former official
7 participated personally and substantially as a state public official.

8 **SECTION 9. Initial applicability.**

9 (1) The treatment of sections 13.62 (12e), 13.67, 13.68 (1) (bp), and 13.75 (5) of
10 the statutes, the renumbering and amendment of section 13.62 (1) of the statutes,
11 and the creation of section 13.62 (1) (b) of the statutes first apply with respect to
12 reporting periods that begin on or after the effective date of this subsection.

13

(END)