



1997 SENATE BILL 482

March 4, 1998 - Introduced by Senators DRZEWIECKI, HUELSMAN, A. LASEE, WELCH, DARLING and FITZGERALD, cosponsored by Representatives GREEN, PORTER, HAHN, HASENOHRL, ALBERS, AINSWORTH and GROTHMAN. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to create** 25.183 (4) of the statutes; **relating to:** prohibiting certain
2 investments of the state investment board in certain music companies.

Analysis by the Legislative Reference Bureau

Current law places certain limits on the state investment board (board) in investing the funds that are placed under its control. For example, current law limits the ability of the board to invest in so-called "derivatives" or reverse repurchase agreements. This bill places an additional limitation on the investment authority of the board.

Under the bill, the board may not knowingly invest in a person who, directly or indirectly, writes, records or produces any song, lyrics or other musical work that explicitly advocates the commission of certain crimes or the commission of domestic or child abuse. The bill covers songs, lyrics or musical works which explicitly advocate the commission of a crime which would be considered a "criminal gang activity" under the law of this state, if it was committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members. These crimes include battery, arson, burglary, theft, robbery, intentional homicide, certain types of sexual assault and the manufacture, distribution or delivery of controlled substances. The bill also covers songs, lyrics or other musical works that explicitly advocate the commission of crimes against law enforcement officers or peace officers or of crimes that would be subject to the state's penalty enhancer for hate crimes. Lastly, the bill also covers songs, lyrics or other musical works that explicitly advocate the commission of domestic abuse or child abuse. The bill requires that the

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board, prior to making a new investment, make reasonable efforts to investigate whether the investment is consistent with the requirements of the bill. If the board, after reasonable efforts to investigate, makes an investment in good faith which is later determined to be inconsistent with the bill's requirements, the board must divest the investment within one year.

For further information see the *state and local* 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.** 25.183 (4) of the statutes is created to read:

2 25.183 (4) INVESTMENTS IN CERTAIN MUSIC COMPANIES. (a) After the effective date
3 of this subsection [revisor inserts date], the board may not make, and after 6
4 months after the effective date of this subsection [revisor inserts date], the board
5 may not knowingly hold, a debt or equity investment in a person that, directly or
6 indirectly through the ownership of 10% or more of another person, writes, records
7 or produces any song, lyrics or other musical work that explicitly advocates the
8 commission of any of the following:

9 1. A crime specified in s. 941.38 (1) (b) 1. to 20.

10 2. A crime under s. 941.21, 941.26 (2) (f) or (4) (d), 941.37, 946.40, 946.41,
11 946.415 or 946.43.

12 3. Domestic abuse, as defined in s. 968.075 (1) (a).

13 4. Abuse, as defined in s. 48.02 (1), of a child.

14 5. Any crime under chs. 939 to 948 against a member of a group because of the
15 group's race, religion, color, disability, sexual orientation, national origin or ancestry.

16 (b) Prior to making an investment in a person, the board shall make a
17 reasonable effort to investigate whether the person is engaged, directly or indirectly
18 through the ownership of 10% or more of another person, in writing, recording or

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1 producing songs, lyrics or other musical works that explicitly advocate the
2 commission of any of acts described in par. (a) 1. to 5.

3 (c) If, after having made the reasonable investigation required under par. (b),
4 the board makes, in good faith, an investment that is subsequently determined by
5 the board to be held in violation of par. (a), the board may continue to hold the
6 investment, notwithstanding par. (a), for a period not to exceed one year from the
7 date on which it makes the determination.

8 **SECTION 2. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after
10 publication.

11 (END)