

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/01/1999**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Black**

This file may be shown to any legislator: NO

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Lobbying**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Contacts with state employes by principals and lobbyists

**Instructions:**

Registered lobbyists and principals must include in reports any lobbying consisting of contacts with state employes for the purpose of influencing decision-making

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/3	kuesej t 11/11/1999	jgeller 11/11/1999	kfollet 11/11/1999	_____	lrb-docadmin 11/11/1999	lrb-docadmin 11/12/1999	

FE Sent For:

**<END>**

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 11/11/1999

**To:** Representative Black

**Relating to LRB drafting number:** LRB-3 170

**Topic**

Contacts with state employes by principals and lobbyists

**Subject(s)**

Lobbying

1. **JACKET** the draft for introduction \_\_\_\_\_ 

in the **Senate** or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney  
Telephone: (608) 266-6778

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Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal. . . ; to renumber. . . ; to consolidate and renumber. . . ; to renumber and amend. . . ; to consolidate, renumber and amend. . . ; to amend. . . ; to repeal and recreate. . . ; and to create . . .** of the statutes; **relating to:** registration and reporting by persons who attempt to influence certain actions of state agencies.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: . . . . . create → anal: → title: → head

For the subheading [old =S], execute: . . . . . create → anal: → title: → sub

For the sub-subheading [old =P], execute: . . . . . create → anal: → title: → sub-sub

attached

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

**SECTION #.**

2  
1  
2



19994000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3 170/lins  
JTK.....

**SECTION 1.** 13.62 (1)<sup>X</sup> of the statutes is amended to read:

13.62 (1) "Administrative action" means the proposal, drafting, development, consideration, promulgation, amendment, repeal or rejection by any agency of any rule promulgated under ch. 227, or any other official action by an agency with respect to a matter under the jurisdiction of the agency.<sup>✓</sup>

**SECTION 2. Initial applicability.**

(1) This act first applies with respect to reports filed by principals under section 13.68 (1)<sup>✓</sup> of the statutes for the first reporting period beginning after the effective date of this subsection<

(END)

Currently, every principal (person who employs a lobbyist) must register with the state ethics board and file semiannual reports of lobbying expenditures and certain other information concerning any attempts by the principal to influence state legislative action or rule making by state agencies, unless the principal is exempted from registration or reporting under a statutory exemption. Lobbyists must supply to their principals the information required for the principals to prepare their reports.

This bill requires registration and reporting, in addition, by any person, including a principal, who attempts to influence any other official action of a state agency, unless the person is exempted from registration or reporting under a current statutory exemption.



DN 075  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3170/2

JTK:jl:km

Wanted Fri 11/12  
~~11/12~~

1999 BILL

1 A N ACT <sup>(regenerate)</sup> to amend 13.62 (1) of the statutes; **relating to:** registration and  
2 reporting by <sup>principals</sup> ~~persons~~ who attempt to influence certain actions of state agencies.

**Analysis by the Legislative Reference Bureau**

Currently, every principal (person who employs a lobbyist) must register with the state ethics board and file semiannual reports of lobbying expenditures and certain other information concerning any attempts by the principal to influence state legislative action or rule making by state agencies, unless the principal is exempted from registration or reporting under a statutory exemption. Lobbyists must supply to their principals the information required for the principals to prepare their reports.

This bill requires registration and reporting, in addition, by any <sup>other than a state agency</sup> person, <sup>at which</sup> including a principal, <sup>principal</sup> who attempts to influence any other official action of a state agency, unless the ~~person~~ is exempted from registration or reporting under a current statutory exemption. <sup>Under the bill, a person who or which does not attempt to influence state legislative action or rule making by state agencies is not subject to registration or reporting requirements.</sup>

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

3 SECTION 1. ~~13.62 (1)~~ of the statutes is amended to read:

4 13.62 (1) "Administrative action" means the proposal, drafting, development,  
5 consideration, promulgation, amendment, repeal or rejection by any agency of any

**BILL**  
INSERT 2-3

1 rule promulgated under ch. 227, or any other official action by an agency with respect  
2 to a matter under the jurisdiction of the agency.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies with respect to reports filed by principals under section  
5 13.68 (1) of the statutes for the first reporting period beginning after the effective  
6 date of this subsection.

7 (END)

Section #. 13.62 (10g)<sup>X</sup> of the statutes is amended 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. 13.621.

History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27.

*The communication is*

*or in the case of a principal who is subject to a registration requirement under s. 13.64(1) that attempts to influence official action under sub. (10r)*



Section #. 13.62 (10r)<sup>x</sup> of the statutes is amended to read:

13.62 (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.

History: ~~1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993~~ ----- I s -----

~~c a. 112; 1993 a. 27.~~

or attempting to influence other official actions if applicable to a principal under this subsection

and in the case of a principal who is subject to a registration requirement under s. 13.64(1), an expenditure made for the purpose of attempting to influence official action of an agency with respect to a matter other than rule making under the jurisdiction of the agency

Section #. 13.62 (11)<sup>x</sup> of the statutes is amended 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.

~~History: 1977 c. 278; 1979 c. 260 s. 94; 1979 c. 328 s. 146; 1983 a. 27, 36; 1987 a. 399; 1989 a. 338; 1991 a. 32; 1993 a. 112; 1995 a. 27.~~

or, if the principal is subject to a registration requirement under S. 13.64(1), attempting to influence official action

under sub. (10a) on behalf of the principal

Section #. 13.621 (1) (a) <sup>x</sup> of the statutes is amended to read:

13.621 (1) (a) Lobbying through communications media or by public addresses to audiences made up principally of persons other than legislators or agency officials.

~~History: 1977 c. 278, 418; 1979 c. 34 s. 2102 (58) (b); 1985 a. 29; 1985 a. 182 s. 57; 1989 a. 338 ss. 42 to 47; Stats.~~

~~1989 s. 13.621; 1989 a. 359 s. 11; 1991 a. 32.~~

or other attempts to influence official  
action under s. 13.62 (10r) ✓

SECTION 1. 13.64 (1) (f) <sup>X</sup> of the statutes is created to read:

13.64 (1) (f) If the principal intends to attempt to influence official action of any agency with respect to a matter other than rule **making**,<sup>✓</sup> the name of each agency and the general areas of official action that the principal is attempting to influence.

INS 2-3

Section #. 13.64 (3) of the statutes is amended to read:

13.64 (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.

~~History: 1977 c. 278; 1989 a. 338; 1993 a. 112; 1997 a. 186, 191.~~

or other official action

or other official  
action of an agency  
under s. 13.62 (10r)



MS 2-3 cont

Section #. 13.68 (1) of the statutes ~~is~~ <sup>are</sup> amended to read:

(a) (intro.) (1., 3., 4., 5. and 6. ✓)

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:

(NO \$)

(a) <sup>(intro.)</sup> The aggregate total amount of lobbying expenditures made and obligations <sup>to make lobbying</sup> incurred ~~for lobby-~~ <sup>ing</sup> by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations for the principal's clerical employees, lobbying expenditures and obligations for any employee of the principal who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period, and 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 <sup>to make lobbying</sup> incurred ~~for lobbying~~ shall include compensation to lobbyists <sup>for lobbying</sup>, 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 <sup>to make lobbying</sup> incurred for conducting, compiling or preparing research, information, statistics, studies or analyses <sup>used in lobbying</sup> shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subdivision if the use in lobbying <sup>to make lobbying</sup> 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 <sup>or attempting to influence other official</sup> for purposes <sup>other</sup> ~~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 <sup>and attempting to influence other official</sup> in the aggregate total. <sup>action</sup> ~~under~~ <sup>s. 13.62 (10r)</sup>



4. Lobbying expenditures made and obligations <sup>to make lobbying expenditures</sup> 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 <sup>to make lobbying expenditures</sup> 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 <sup>their official action under s. 13.62 (10r)</sup> 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 obligation <sup>to make lobbying expenditures</sup> 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.

13.68(1)

<sup>SECTION 13.68 (1) (b)</sup> (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 <sup>to make lobbying expenditures</sup> 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 <sup>to make lobbying expenditures</sup> 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.

~~(bn) For each bill or proposed administrative rule that accounts for 10% or more of the principal's time spent in lobbying during the reporting period, the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that bill or proposed rule. With respect to the executive budget bill or bills introduced under s. 16.47, the principal shall further identify from topics provided by the board each topic that accounts for 10% or more of the principal's time spent in lobbying during the reporting period and the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that topic.~~

~~(c) A record disclosing the amount of time spent to influence legislative or administrative action. The record shall be supplied on a form provided by the board and shall include a daily itemization of the time, except the time of a clerical employe, the time of an employe who is not a lobbyist and~~



INS 2-3 cont

Section #. 13.68 (1) (c) (intro.), 2. and (e) of the statutes are amended to read:

13.68 (1) (c) (intro.) A record disclosing the amount of time spent to influence legislative or administrative action, ~~or, in the case of a principal who is subject to a registration requirement~~. The record shall be supplied on a form provided by the board and shall include a daily itemization of the time, except the time of a clerical employee, the time of an employee who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period and the time of an unpaid volunteer, spent by the principal on:

*under S. 13.64(1), other official action under S. 13.62(10r)*

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~

2. Research, preparation and any other activity which includes lobbying, ~~or, in the case of a principal who is subject to a registration requirement~~

*attempting to influence other official action under S. 13.62 (10r)*

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~

(e) The total lobbying expenditures made and obligations incurred for personal travel and living expenses, except for expenditures made or obligations incurred for the travel and living expenses of unpaid volunteers if the primary purpose of the travel is for reasons unrelated to lobbying.

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~

*score* { *or, in the case of a principal who is subject to a registration requirement under S. 13.64(1), for reasons unrelated to lobbying or attempting to influence other official action under S. 13.62(10r)* }





INS 2-3 cont

Section #. 13.68 (2) (a) of the statutes is amended to read:

13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employe both for lobbying ~~activities or expenses~~ <sup>expenditures</sup> 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 shall estimate and report the portion of the compensation and reimbursements paid for nonexempt lobbying ~~activities or expenses~~ <sup>expenditures</sup> or, if 85% or more of the total compensation and reimbursements paid to the lobbyist or employe ~~relate~~ <sup>are for</sup> ~~to lobbying or expenses~~ <sup>expenditures</sup> which are not exempt under s. 13.621, the lobbyist or principal may report the entire amount of the compensation and reimbursements paid to the lobbyist or employe.

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~



X  
Section #. 13.68 (3) of the statutes is amended to read:

13.68 (3) **EXEMPT ACTIVITIES.** Lobbying expenditures made and obligations incurred for activities <sup>to make lobbying expenditures</sup> 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).~~ <sup>that are required to be reported</sup>

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~

under  
sub. (1) ✓



INS 2-3 cont

Section #. 13.68 (5) of the statutes is amended to read:

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

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 86.~~

or, in the case of a principal who is subject to a registration requirement under s. 13.64(1), attempts to influence official action under s. 13.62(10r)



INS 2-3 cont

Section #. 13.68 (6) of the statutes is amended to read:

13.68 (6) **SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT.** If a principal fails to timely file a complete expense statement under this section, the board may suspend the privilege of any lobbyist to ~~lobby~~ <sup>act as a lobbyist</sup> 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 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 may ~~lobby~~ <sup>act as a lobbyist</sup> on behalf of the principal. The privilege of any lobbyist to ~~lobby~~ <sup>act as a lobbyist</sup> 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 is aggrieved by a suspension of ~~lobbying privileges~~ <sup>to act as a lobbyist</sup> under this subsection may request a hearing under s. 227.42 regarding the suspension.

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186.~~



INS 2-3 cont

Section #. 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 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 licensed under s. 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 <sup>the principals or agencies</sup> ~~which are the object of their lobbying activity~~ <sup>attempting to influence</sup>. 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.

~~History: 1977-c-278 ss. 26, 28; 1977 c. 447; 1979 c. 32 s. 92 (8); 1979 c. 154; 1979 c. 175 s. 53; 1987 a. 186; 1989 a. 338.~~

or other official action of agencies under s. 13.62(10v)

(end insert)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3170/1dn

JTK.....

JLg

(X)

In order to effect your intent, this draft does not include in the definition of "lobbying" attempts to influence official action of state agencies with respect to matters other than rule making. However, under the draft, once a principal becomes subject to a registration requirement as a result of its lobbying activity (as currently defined), these attempts to influence other official action may result in "lobbying expenditures" and "lobbying communications" that will require reporting.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3170/2dn  
JTK:jljg:jf

November 11, 1999

In order to effect your intent, this draft does not include in the definition of "lobbying" attempts to influence official action of state agencies with respect to matters other than rule making. However, under the draft, once a principal becomes subject to a registration requirement as a result of its lobbying activity (as currently defined), these attempts to influence other official action may result in "lobbying expenditures" and "lobbying communications" that will require reporting.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3170/2<sup>3</sup>  
JTK:jl:jjf

WANTED THU 10/4

**1999 BILL**

Regen

1 **AN ACT to amend** 13.62 (log), 13.62 (10r), 13.62 (11), 13.621 (1) (a), 13.64 (3),  
2 13.68 (1) (a) (intro.), 1., 3., 4., 5. and 6., 13.68 (1) (b), 13.68 (1) (c)(intro.), 2. and  
3 (e), 13.68 (2) (a), 13.68 (3), 13.68 (5), 13.68 (6) and 13.685 (7); and to **create**  
4 13.64 (1) (f) of the statutes; **relating to:** registration and reporting by  
5 principals who attempt to influence certain actions of state agencies.

***Analysis by the Legislative Reference Bureau***

Currently, every principal (person who employs a lobbyist) must register with the state ethics board and file semiannual reports of lobbying expenditures and certain other information concerning any attempts by the principal to influence state legislative action or rule making by state agencies, unless the principal is exempted from registration or reporting under a statutory exemption. Lobbyists must supply to their principals the information required for the principals to prepare their reports.

This bill requires registration and reporting, in addition, by any principal, other than a state **agency**, who or which attempts to influence any other official action of a state agency, unless the principal is exempted from registration or reporting under a current statutory exemption. Under the bill, a person who or which does not

(X)



**BILL**

attempt to influence state legislative action or rule making by state agencies is not subject to registration or reporting requirements.

---

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

1           **SECTION 1.** 13.62 (10g) of the statutes is amended to read:

2           13.62 (10g) "Lobbying communication" means an oral or written  
3 communication with any agency **official**, elective state **official** or legislative employe  
4 that attempts to influence legislative or administrative action, or in the case of a  
5 principal who is subject to a registration requirement under s. 13.64 (1), that  
6 attempts to influence official action under sub. (10r), unless the communication is  
7 exempted under s. 13.621.

8           **SECTION 2.** 13.62 (10r) of the statutes is amended to read:

9           13.62 (10r) "Lobbying expenditure" means an expenditure related to the  
10 performance of lobbying, whether received in the form of an advance or subsequent  
11 reimbursement, and in the case of a principal who is subject to a registration  
12 requirement under s. 13.64 (1), an expenditure made for the purpose of attempting  
13 to influence official action of an agency with respect to a matter other than rule  
14 making under the jurisdiction of the agency. The term includes an expenditure for  
15 conducting research or for providing or using information, statistics, studies or  
16 analyses in communicating with an **official** that would not have been incurred but  
17 for lobbying or attempting to influence other official action if applicable to a  
18 principal under this subsection.

19           **SECTION 3.** 13.62 (11) of the statutes is amended to read:

20           13.62 (11) "Lobbyist" means an individual who is employed by a principal, or  
21 contracts for or receives economic consideration, other than reimbursement for

**BILL**

1 actual expenses, from a principal and whose duties include lobbying on behalf of the  
2 principal or if the principal is subject to a registration requirement under s. 13.64  
3 (1), attempting to influence official action under sub. (10r) on behalf of the principal.

4 If an individual's duties on behalf of a principal are not limited exclusively to  
5 lobbying, the individual is a lobbyist only if he or she makes lobbying  
6 communications on each of at least 5 days within a reporting period.

7 **SECTION 4.** 13.621 (1) (a) of the statutes is amended to read:

8 13.621 (1) (a) Lobbying or other attempts to influence official action under s.  
9 13.62 (10r) through communications media or by public addresses to audiences made  
10 up principally of persons other than legislators or agency officials.

11 **SECTION 5.** 13.64 (1) (f) of the statutes is created to read:

12 13.64 (1) (f) If the principal intends to attempt to influence official action of any  
13 agency with respect to a matter other than rule making, the name of each agency and  
14 the general areas of official action that the principal is attempting to influence.

15 **SECTION 6.** 13.64 (3) of the statutes is amended to read:

16 13.64 (3) Each principal registered under this section shall, before the  
17 principal or a lobbyist for the principal attempts to influence legislative or  
18 administrative action or other official action of an agency under s. 13.62 (10r) in any  
19 general area or agency not previously filed with the board, provide written notice to  
20 the board of the general area or agency in which the principal or a lobbyist for the  
21 principal will attempt to influence legislative or administrative action or other  
22 official action and in relation to which a lobbyist is employed.

23 **SECTION 7.** 13.68 (1) (a) (intro.), l., 3., 4., 5. and 6. of the statutes are amended  
24 to read:

## BILL

1           13.68 (1) (a) (intro.) The aggregate total amount of lobbying expenditures made  
2 and obligations ~~to make lobbying expenditures incurred for lobbying~~ by the principal  
3 and all lobbyists for the principal, excluding lobbying expenditures and obligations  
4 for the principal's clerical employes, lobbying expenditures and obligations for any  
5 employe of the principal who is not a lobbyist and who devotes not more than 10 hours  
6 to lobbying during a reporting period, and lobbying expenditures and obligations  
7 specified in pars. (b), (d) and (e). With respect to expenditures and obligations  
8 included in the amount reported under this paragraph:

9           1. Lobbying expenditures made and obligations ~~to make lobbying expenditures~~  
10 incurred ~~for lobbying~~ shall include compensation to lobbyists ~~for lobbying~~, whether  
11 in cash or in-kind, and reimbursements to lobbyists and to the principal or officers  
12 or employes of the principal ~~for lobbying or expenses~~.

13           3. A reasonable estimate of lobbying expenditures made and obligations to  
14 ~~make lobbying expenditures~~ incurred for conducting, compiling or preparing  
15 research, information, statistics, studies or analyses ~~used in lobbying~~ shall be  
16 included in the aggregate total. Lobbying expenditures and obligations to make  
17 lobbying expenditures shall not be reported under this subdivision if the use in  
18 lobbying or attempting to influence other official action under s. 13.62 (10r) occurs  
19 more than 3 years after the completion of the research or the compilation or  
20 preparation of the information, statistics, studies or analyses. If the research,  
21 information, statistics, studies or analyses are used by the principal both for lobbying  
22 or attempting to influence other official action under s. 13.62 (10r) and for ~~other~~  
23 purposes ~~other than lobbying~~, the principal shall allocate the lobbying expenditures  
24 and obligations among the purposes for which the research, information, statistics,  
25 studies or analyses are used and include the portion allocated to lobbying and

**BILL**

1 attempting to influence other official action under s. 13.62 (10r) in the aggregate  
2 total.

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

6 5. Lobbying expenditures made and obligations to make lobbyina expenditures  
7 incurred for paid advertising and any other activities conducted for the purpose of  
8 urging members of the general public to attempt to influence legislative or  
9 administrative action or other official action under s. 13.62 (10r) shall be included  
10 in the aggregate total, if the total amount of all such lobbying expenditures made and  
11 obligations incurred exceeds \$500 during the reporting period.

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

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

19 13.68 (1) (b) If a lobbyist is an employe, officer or director of a principal and the  
20 lobbyist is paid a salary or given consideration other than reimbursement of  
21 expenses, the aggregate total amount of lobbying expenditures made or obligations  
22 to make lobbying exnenditures incurred by the principal for office space, utilities,  
23 supplies and compensation of employes who are utilized in preparing for lobbying  
24 communications. Any lobbying expenditures made or obligations to make lobbying  
25 exnenditures incurred for office overhead costs which are included in the amount

## BILL

1 reported under par. (a) 1. shall not be included in the amounts reported under this  
2 paragraph.

3 SECTION 9. 13.68 (1) (c) (intro.), 2. and (e) of the statutes are amended to read:

4 13.68 (1) (c) (intro.) A record disclosing the amount of time spent to influence  
5 legislative or administrative action ~~or in the case of a principal who is subject to a~~  
6 ~~registration requirement under s. 13.64 (1) or other official action under s. 13.62 (10r).~~

7 The record shall be supplied on a form provided by the board and shall include a daily  
8 itemization of the time, except the time of a clerical employe, the time of an employe  
9 who is not a lobbyist and who devotes not more than 10 hours to lobbying during a  
10 reporting period and the time of an unpaid volunteer, spent by the principal on:

11 2. Research, preparation and any other activity which includes lobbying ~~or in~~  
12 ~~the case of a principal who is subject to a registration requirement under s. 13.64 (1).~~  
13 ~~attemntina to influence other official action under s. 13.62 (10r).~~

14 (e) The total bbbying expenditures made and obligations to make lobbying  
15 expenditures incurred for personal travel and living expenses, except for  
16 expenditures made or obligations incurred for the travel and living expenses of  
17 unpaid volunteers if the primary purpose of the travel is for reasons unrelated to  
18 lobbying ~~or in the case of a principal who is subject to regi-~~  
19 ~~under s. 13.64 (1) for reasons unrelated to lobbying or attemntina to influence other~~  
20 official action under s. 13.62 (10r).

21 SECTION 10. 13.68 (2) (a) of the statutes is amended to read:

22 13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employe  
23 both for lobbying ~~activities or expenses~~ expenditures which are not exempt under s.  
24 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1. or 6., the  
25 lobbyist or principal shall estimate and report the portion of the compensation and

**BILL**

1 reimbursements paid for nonexempt lobbying- ~~expenditures~~ or,  
2 if 85% or more of the total compensation and reimbursements paid to the lobbyist or  
3 employe ~~relate to are for~~ lobbying ~~or expenses~~ expenditures which are not exempt  
4 under s. 13.621, the lobbyist or principal may report the entire amount of the  
5 compensation and reimbursements paid to the lobbyist or employe.

6 **SECTION 11.** 13.68 (3) of the statutes is amended to read:

7 13.68 (3) **EXEMPT ACTIVITIES.** Lobbying expenditures made and obligations to  
8 make lobbying expenditures incurred for activities identified under s. 13.621 (1) (a)  
9 to (f) and (3) are not required to be reported under sub. (1), regardless of whether the  
10 principal or a lobbyist for the principal also engages in lobbying activities ~~which are~~  
11 ~~not identified in s. 13.621 (1) (a) to (f) and (3) that are required to be reported under~~  
12 s u b . .

13 **SECTION 12.** 13.68 (5) of the statutes is amended to read:

14 13.68 (5) **RECORDS.** Each principal and each lobbyist engaged by a principal  
15 shall obtain, organize and preserve all accounts, bills, receipts, books, papers and  
16 other documents necessary to substantiate the expense statement, including an  
17 account identifying the amount of time that a principal and each of its authorized  
18 lobbyists spend each day on lobbying ~~each day or in the case of a principal who is~~  
19 ~~subject to a registration requirement under s. 13.64(1) / attempts to influence official~~  
20 action under s. 13.62 (10r), for 3 years after the date of filing the expense statement.  
21 A principal may permit its authorized lobbyist to maintain any of the records  
22 identified in this subsection on its behalf.

23 **SECTION 13.** 13.68 (6) of the statutes is amended to read:

24 13.68 (6) **SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT.** If a  
25 principal fails to timely file a complete expense statement under this section, the

## BILL

1 board may suspend the privilege of any lobbyist to ~~lobby~~ act as a lobbyist on behalf  
2 of the principal. Upon failure of a principal to file the required expense statement,  
3 the board shall mail written notices to the principal and to any lobbyist for whom a  
4 written authorization has been filed under s. 13.65 to act as a lobbyist for the  
5 principal informing them that unless the principal files the delinquent statement  
6 within 10 business days after the date of mailing of the notices, no lobbyist may ~~lobby~~  
7 act as a lobbyist on behalf of the principal. The privilege of any lobbyist to ~~lobby~~ act  
8 as a lobbyist on behalf of the principal shall be restored immediately upon filing the  
9 delinquent statement. The notices shall be sent by certified mail to the last-known  
10 addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved  
11 by a suspension of ~~lobbying~~ privileges to act as a lobbyist under this subsection may  
12 request a hearing under s. 227.42 regarding the suspension.

13 **SECTION 14.** 13.685 (7) of the statutes is amended to read:

14 13.685 (7) Beginning with the 3rd Tuesday following the beginning of any  
15 regular or special session of the legislature and on every Tuesday thereafter for the  
16 duration of such session, the board shall, from its records, submit to the chief clerk  
17 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),  
18 a report of the names of lobbyists licensed under s. 13.63 and the names of officers  
19 and employees of agencies filed under s. 13.695 who were not previously reported, the  
20 names of the principals or agencies whom they represent and the general areas of  
21 legislative and administrative action or other official action of agencies under s.  
22 13.62(10r) which the principals or agencies are the object of their ~~lobbying activity~~  
23 Attempting to influence. All be incorporated into the journal of the  
24 senate and a copy filed in the office of the chief clerk of the assembly. The board shall  
25 also notify the chief clerk of each house that a copy of each statement which is

**BILL**

1 required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy  
2 shall be open to public inspection but shall not be incorporated in the journal unless  
3 the chief clerk so orders. The board shall include in its biennial report under s. 15.04  
4 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

5 **SECTION 15. Initial applicability.**

6 (1) This act first applies with respect to reports filed by principals under section  
7 13.68 (1) of the statutes for the first reporting period beginning after the effective  
8 date of this subsection.

9 **(END)**



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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3170/2dn  
JTKjlg:jf

3du

November 11, 1999

1. This draft corrects some punctuation and slightly simplifies LRB-3170/2.

2. In order to effect your intent, this draft does not include in the definition of "lobbying" attempts to influence official action of state agencies with respect to matters other than rule making. However, under the draft, once a principal becomes subject to a registration requirement as a result of its lobbying activity (as currently defined), these attempts to influence other official action may result in "lobbying expenditures" and "lobbying communications" that will require reporting.

Jeffery T. Kuesel  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3 170/3dn  
JTK;jlg:kjf

November 11, 1999

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