

2001 DRAFTING REQUEST

Bill

Received: 09/11/2000

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: him

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact: Ethics Board

Addl. Drafters:

Subject: Lobbying

Extra Copies: RJM- 1

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Contacts with state employes by principals and lobbyists

Instructions:

Per 99 AB-644.

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>
/?	kuesejt 10/03/2000	gilfokm 11/16/2000		_____			re-jacketed - see back
/1			jfrantze 11/17/2000	_____	lrb_docadmin 11/17/2000	lrb_docadmin 11/27/2000	
/2	kuesejt 10/16/2001	gilfokm 10/18/2001	jfrantze 10/19/2001	_____	lrb_docadmin 10/19/2001	lrb_docadmin 10/19/2001 lrb_docadmin 01/02/2002	

FE Sent For:

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<END>

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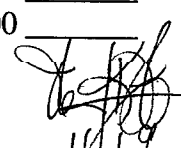
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FE Sent For:			11/19				
				<END>			

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By/Representing: **him**

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May Contact: **Ethics Board**

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12 / 1	kuesejt 10/3	11-11/16 Kmg	11/17	11/17			

FE Sent For:

<END>

State Representative Spencer Black



State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

TO: Peter Dykman, Chief of Legislative Reference Bureau
FROM: Representative Spencer Black
DATE: September 7, 2000
RE: Redrafts of 1999 Assembly Bills for the upcoming 2001-2002 legislative session.

Please redraft the following 1999 Assembly Bills/Resolutions (as is) for the upcoming session:

RET AB 82	RAC AB 145	RET AB 162
MIL AB 165	MES AB 166	JIK AB 261
ISR AB 397	RET AB 457	RET AB 458
RET AB 459	JTK AB 460	JTK AB 461
JTK AB 462	TNF AB 463	GMM AB 510
MES AB 511	JTK AB 644	JTK AB 645
RET AB 702	RET AB 775	MES AB 831
PJH AB 862	JK AB 935	PJO AJR 50
PJO AJR 119		

Please redraft the following 1999 Assembly Bills with simple modifications as listed below:

AB 36: Draft Senate Substitute Amendment 1 to 1999 Senate Bill 2 as an assembly bill. On page 2 line 2 delete "2000-2001" and substitute "2001-2002"

AB 264: Redraft bill to include Senate Amendment 1 to 1999 Senate Bill 115 and Senate Amendment 2 to 1999 Senate Bill 115

AB 372: Redraft the bill to include Assembly Amendment LRBa0597/2

AB 936: Redraft the bill with the following changes.

In line 5 delete "ore processing reagent"

Delete line 6

Line 8 delete "ore processing reagents"

10/3

BY
12/1

NOTE

1999 - 2000 LEGISLATURE

-0236/1
LRB-3170/S

JTK:kjf

ROBSON

K9

1999 ASSEMBLY BILL 644

LPS: Proof all amended
stats. w/ FOLIO

January 11, 2000 - Introduced by Representatives BLACK, POCAN, BOCK, RICHARDS, LA FAVE, J. LEHMAN, BERCEAU and MILLER, cosponsored by Senators BAUMGART and ROBSON. Referred to Committee on Campaigns and Elections.

1 **AN ACT** to amend 13.62 (10g), 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

Each principal must ^{report,} in addition to other information, the principal's reasonable estimate of the proportion of its lobbying time spent attempting to influence any particular legislative proposal, proposed administrative rule, budget bill subject or other topic that accounts for 10% or more of the principal's time during a reporting period.

ASSEMBLY BILL 644

INS 2A

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

ASSEMBLY BILL 644

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 ^{such} 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.), 1., 3., 4., 5. and 6. of the statutes are amended
24 to read:

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ASSEMBLY BILL 644

SECTION 7

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 employe^es, lobbying expenditures and obligations for any
5 employe^e 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 employe^es 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

ASSEMBLY BILL 644

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 expenditures
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 lobbying 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 lobbying expenditures, 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^e 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 expenditures incurred by the principal for office space, utilities,
23 supplies and compensation of employe^es who are utilized in preparing for lobbying
24 communications. Any lobbying expenditures made or obligations to make lobbying
25 expenditures incurred for office overhead costs which are included in the amount

ASSEMBLY BILL 644

SECTION 8

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

✓
FWS
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SECTION 9. 13.68 (1) (c) (intro.) ^{and} 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
5 legislative or administrative action, or other official action under s. 13.62 (10r). The
6 record shall be supplied on a form provided by the board and shall include a daily
7 itemization of the time, except the time of a clerical employe^e, the time of an employe^e
8 who is not a lobbyist and who devotes not more than 10 hours to lobbying during a
9 reporting period and the time of an unpaid volunteer, spent by the principal on:

10 2. Research, preparation and any other activity which includes lobbying or
11 attempting to influence other official action under s. 13.62 (10r).

12 (e) The total lobbying expenditures made and obligations to make lobbying
13 expenditures incurred for personal travel and living expenses, except for
14 expenditures made or obligations incurred for the travel and living expenses of
15 unpaid volunteers if the primary purpose of the travel is for reasons unrelated to
16 lobbying or for reasons unrelated to lobbying or attempting to influence other official
17 action under s. 13.62 (10r).

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

19 13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employe^e
20 both for lobbying activities ~~or expenses~~ expenditures which are not exempt under s.
21 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1. or 6., the
22 lobbyist or principal shall estimate and report the portion of the compensation and
23 reimbursements paid for nonexempt lobbying ~~activities or expenses~~ expenditures or,
24 if 85% or more of the total compensation and reimbursements paid to the lobbyist or
25 employe^e ~~relate to~~ are for lobbying or expenses expenditures which are not exempt

ASSEMBLY BILL 644

1 under s. 13.621, the lobbyist or principal may report the entire amount of the
2 compensation and reimbursements paid to the lobbyist or employe^e.

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

4 13.68 (3) EXEMPT ACTIVITIES. Lobbying expenditures made and obligations to
5 make lobbying expenditures incurred for activities identified under s. 13.621 (1) (a)
6 to (f) and (3) are not required to be reported under sub. (1), regardless of whether the
7 principal or a lobbyist for the principal also engages in lobbying activities which are
8 not identified in s. 13.621 (1) (a) to (f) and (3) that are required to be reported under
9 sub. (1).

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

11 13.68 (5) RECORDS. Each principal and each lobbyist engaged by a principal
12 shall obtain, organize and preserve all accounts, bills, receipts, books, papers and
13 other documents necessary to substantiate the expense statement, including an
14 account identifying the amount of time that a principal and each of its authorized
15 lobbyists spend each day on lobbying each day or attempts to influence official action
16 under s. 13.62 (10r), for 3 years after the date of filing the expense statement. A
17 principal may permit its authorized lobbyist to maintain any of the records identified
18 in this subsection on its behalf.

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

20 13.68 (6) SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT. If a
21 principal fails to timely file a complete expense statement under this section, the
22 board may suspend the privilege of any lobbyist to lobby act as a lobbyist on behalf
23 of the principal. Upon failure of a principal to file the required expense statement,
24 the board shall mail written notices to the principal and to any lobbyist for whom a
25 written authorization has been filed under s. 13.65 to act as a lobbyist for the

ASSEMBLY BILL 644

SECTION 13

1 principal informing them that unless the principal files the delinquent statement
2 within 10 business days after the date of mailing of the notices, no lobbyist may lobby
3 act as a lobbyist on behalf of the principal. The privilege of any lobbyist to lobby act
4 as a lobbyist on behalf of the principal shall be restored immediately upon filing the
5 delinquent statement. The notices shall be sent by certified mail to the last-known
6 addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved
7 by a suspension of lobbying privileges to act as a lobbyist under this subsection may
8 request a hearing under s. 227.42 regarding the suspension.

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

10 13.685 (7) Beginning with the 3rd Tuesday following the beginning of any
11 regular or special session of the legislature and on every Tuesday thereafter for the
12 duration of such session, the board shall, from its records, submit to the chief clerk
13 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),
14 a report of the names of lobbyists licensed under s. 13.63 and the names of officers
15 and employ^e_s of agencies filed under s. 13.695 who were not previously reported, the
16 names of the principals or agencies whom they represent and the general areas of
17 legislative and administrative action or other official action of agencies under s.
18 13.62 (10r) which the principals or agencies are the object of their lobbying activity
19 attempting to influence. Such reports shall be incorporated into the journal of the
20 senate and a copy filed in the office of the chief clerk of the assembly. The board shall
21 also notify the chief clerk of each house that a copy of each statement which is
22 required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy
23 shall be open to public inspection but shall not be incorporated in the journal unless
24 the chief clerk so orders. The board shall include in its biennial report under s. 15.04
25 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0236/lins
JTK.....

INSERT 2A:

NSA

who or
✓
The bill also requires each principal which is subject to a reporting requirement under the bill to report the principal's reasonable estimate of the proportion of its time spent attempting to influence any official action of a state agency with respect to a matter other than rule making if that matter accounts for 10% or more of the principal's time during a reporting period.

Dr 5 3-22 ✓

Section #. 13.67 (1) of the statutes is amended to read:

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

unless the topic relates to a matter specified in s. 13.64 (1) (F)

~~History: 1997 a. 186; 1999 a. 9.~~

JNS 6-2 ✓

Section #. 13.68 (1) (bn) of the statutes is amended to read:

13.68 (1) (bn) For each legislative proposal, proposed administrative rule, budget bill subject or other topic 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 ^{respect to} that legislative proposal, proposed administrative rule, budget bill subject or other topic.

~~History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.~~

or attempting to influence official action under s. 13.62(10r)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0236/1dn

JTK.....

kg

Representative Black:

1999
This draft attempts to harmonize 1999 AB-644 with the changes in the lobby law made by 1999 Act 9 (the budget act), which now require principals and lobbyists to report topics of lobbying communications other than numbered legislative proposals, proposed administrative rules, and budget bill subjects. Under AB-644, a principal was required to identify the general areas of official action that the principal was attempting to influence. See proposed s. 13.64 (1) (f). Under this draft, reportable topics will include attempts to influence agency actions on topics other than rule making, and if any of those topics accounts for 10% or more of a principal's time during a reporting period, a reasonable estimate of the proportion of the principal's time spent on that topic. See the treatment of ss. 13.67 (1) and 13.68 (1) (bn), stats.

If please let me know if this treatment is not in accord with your intent.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0236/1dn
JTK:kg:jf

November 17, 2000

Representative Black:

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Please let me know if this treatment is not in accord with your intent.

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



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN H. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 17, 2000

MEMORANDUM

To: Representative Black

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-0236 Contacts with state employes by principals and lobbyists

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

McMurray, Susan

From: McMurray, Susan
Sent: Tuesday, May 08, 2001 1:46 PM
To: 'Jeffrey T. Kuesel@legis.state.wi.us'
Cc: McMurray, Susan
Subject: LRB 0236/1

Date: Tuesday, May 08, 2001
To: Jeff Kuesel
From: Susan McMurray, Rep. Black's office
Re: amendment for LRB 0236/1

We were ready to circulate LRB 0236/1 for cosponsorship when Roth Judd of the Ethics Board approached Rep. Black and suggested some changes to make the bill a better piece of legislation. We have reviewed the changes, and Rep. Black asks you to incorporate those changes into a /2 version of the bill.

I will forward to you a memo we received from Jonathan Becker and Roth Judd.

We have the jacket for LRB 0236/1, and I will return it to your office today.

Please call me at 266-7521 if you have any questions.

Jacket
Returned
(LRB-0236)
MB
05-08-01



STATE OF WISCONSIN ETHICS BOARD

Memorandum

To: Roth Judd

From: Jonathan Becker

Date: May 1, 2001

Subject: Proposed legislation concerning influencing official agency action

Recent news articles indicate that a number of lobbyists have been attempting to influence the state to permit construction of an Indian gaming casino. Such activities are not subject to public disclosure under the lobbying law.

An organization that pays someone to lobby must register as a principal and an individual paid to lobby must obtain a license. Once registered, an organization must report what it is lobbying about within 15 days of its first communication with a state official or employee. In addition, such organizations and their lobbyists are subject to certain standards of conduct.

Currently, the lobbying law defines lobbying as attempting to influence an action by the legislature or administrative rulemaking. Attempting to influence the award of a contract, grant, license, or other decision by a state agency is not included. This means that attempting to influence these types of actions (a) do not trigger the lobbying law's application to an organization or individual and (b) do not have to be reported by an organization or individual that is already subject to the lobbying law because of other activities. There is some interest in amending the lobbying law to address this situation.

An approach to these issues was proposed last session by Representative Black in 1999 Assembly Bill 644. That bill would require organizations already registered as lobbying principals (because of attempts to influence legislative

action or rulemaking activity) to report their other attempts to influence state agency decisions. However, the problem with this approach is that it would not address the Indian casino issue because the organization attempting to influence that decision was not a registered principal.

An alternate approach would be to require any organization that hires an individual *already licensed as a lobbyist* to attempt to influence *other* official state action, to register as a principal and report those activities. This would get at situations in which an organization hires a "heavy hitter" to influence state government (although it would not cover an organization that hires a heavy hitter that is not otherwise a lobbyist).

Attached is a draft of a bill that would accomplish this.

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

13.62 (3) "Agency official" means a member, officer, employee or consultant of any agency who as part of such person's official responsibilities participates in any administrative or executive action in other than a solely clerical, secretarial or ministerial capacity and key professional staff of the office of the governor identified under s. 20.923(10).

Section 2. 13.62 (7) of the statutes is created to read:

13.62 (7). "Executive action" means the proposal, development, drafting, consideration, modification, adoption, rejection, or review of any contract, lease, purchase, grant, license, award, expenditure, or other official action by an agency.

Section 3. 13.62 (12) of the statutes is amended to read:

13.62 (12) "Principal" means any person who employs a lobbyist to influence legislative, administrative, or executive action. If an association, corporation, limited liability company or partnership engages a lobbyist, an officer, employee, member, shareholder or partner of the association, corporation, limited liability company or partnership shall not be considered a principal.

Section 4. 13.62 (10r) of the statutes is amended to read:

13.62 (10r) "Lobbying expenditure" means an expenditure related to the performance of lobbying, and in the case of a principal who employs a lobbyist to attempt to influence any executive action, an expenditure related to attempting to influence the executive action, 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 or attempting to influence executive action.

Section 5. 13.625(1) of the statutes is amended to read:

13.625 PROHIBITED PRACTICES. (1) No lobbyist may:

(a) Instigate legislative, ~~or~~ administrative or executive action for the purpose of obtaining employment in support or opposition thereto.

* * *

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative, ~~or~~ administrative or executive action.

Include current sections 4 through 14 of 1999 Assembly Bill 644 (except substitute "any executive action" for the language "other official action of an agency under s. 13.62 (10r)" where it appears).

Change **Section 9** of AB 644 to read:

Section 9. 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 executive action in the case of a principal who employs a lobbyist to attempt to influence the executive 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 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:

* * *

Change **Section 13** of AB 644 to read:

Section 13. 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 or to attempt to influence executive action on behalf of the principal. . . . Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges to lobby or to attempt to influence executive action under this subsection may request a hearing under s. 227.42 regarding the suspension.

Add additional section 6a.

13.67 (1) of the statutes is amended to read:

Except as authorized under s.13.621, no person may engage in lobbying or attempting to influence executive action as a lobbyist on behalf of a principal and no principal may authorize a lobbyist to engage in lobbying or attempting to influence executive action on its behalf unless the principal reports to the board, in such manner as the board may prescribe, each legislative proposal, budget bill subject and proposed administrative rule number in connection with which the principal has made or intends to make a lobbying communication or, if the lobbying does not relate to a legislative proposal or proposed administrative rule that has been numbered or a budget bill subject, each topic of a lobbying communication made or

intended to be made by the principal and each topic of a communication that attempts to influence executive action. A principal shall describe any topic of a lobbying communication or a communication that attempts to influence executive action with reasonable specificity, sufficient to identify the subject matter of the ~~lobbying communication~~ and whether the communication is an attempt to influence legislative, ~~or administrative, or executive action, or both.~~ The principal shall file the report no later than the end of the 15th day after the date on which the principal makes a ~~lobbying communication~~ with respect to a legislative proposal, proposed administrative rule, budget bill subject, executive action or other topic not previously reported by the principal under this section during the biennial period for which the principal is registered. The report shall be made by a person who is identified by the principal under s.13.64(1)(e).



wanted by Fri 10/19

2001 BILL

1 **AN ACT** *(regenerate)* ~~to amend 13.62 (10g), 13.62 (10r), 13.62 (11), 13.621 (1) (a), 13.64 (3),~~
2 ~~13.67 (1), 13.68 (1) (a) (intro.), 1., 3., 4., 5. and 6., 13.68 (1) (b), 13.68 (1) (bn),~~
3 ~~13.68 (1) (c) (intro.) and 2. and (e), 13.68 (2) (a), 13.68 (3), 13.68 (5), 13.68 (6) and~~
4 ~~13.685 (7), and to create 13.64 (1) (f) of the statutes; relating to: registration~~
5 and reporting by principals who ^{*employ lobbyists to*} attempt to influence certain actions of state
6 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. Each principal must report, in addition to other information, the principal's reasonable estimate of the proportion of its lobbying time spent attempting to influence any particular legislative proposal, proposed administrative rule, budget bill subject or other topic that accounts for 10% or more of the principal's time during a reporting period.

This bill requires registration and reporting, in addition, by any principal, other than a state agency, who or which attempts to influence official action of a state

(employs a lobbyist (person who attempts to influence state legislative action or rule making) to attempt

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agency with respect to a matter other than rule making, unless the principal is exempted from registration or reporting under a current statutory exemption. 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. The bill also requires each principal who or which is subject to a reporting requirement under the bill to report the principal's reasonable estimate of the proportion of its time spent attempting to influence any official action of a state agency with respect to a matter other than rule making if that matter accounts for 10% or more of the principal's time during a reporting period.

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

see insert

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 employee
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

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1 for lobbying or attempting to influence other official action, if applicable to a
2 principal under this subsection.

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

4 13.62 (11) "Lobbyist" means an individual who is employed by a principal, or
5 contracts for or receives economic consideration, other than reimbursement for
6 actual expenses, from a principal and whose duties include lobbying on behalf of the
7 principal or, if the principal is subject to a registration requirement under s. 13.64
8 (1), attempting to influence official action under sub. (10r) on behalf of the principal.

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

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

13 13.621 (1) (a) Lobbying or other attempts to influence official action under s.
14 13.62 (10r) through communications media or by public addresses to audiences made
15 up principally of persons other than legislators or agency officials.

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

17 13.64 (1) (f) If the principal intends to attempt to influence official action of any
18 agency with respect to a matter other than rule making, the name of each such
19 agency and the general areas of official action that the principal is attempting to
20 influence.

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

22 13.64 (3) Each principal registered under this section shall, before the
23 principal or a lobbyist for the principal attempts to influence legislative or
24 administrative action or other official action of an agency under s. 13.62 (10r) in any
25 general area or agency not previously filed with the board, provide written notice to

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1 the board of the general area or agency in which the principal or a lobbyist for the
2 principal will attempt to influence legislative or administrative action or other
3 official action and in relation to which a lobbyist is employed.

4 **SECTION 7.** 13.67 (1) of the statutes is amended to read:

5 13.67 (1) Except as authorized under s. 13.621, no person may engage in
6 lobbying as a lobbyist on behalf of a principal and no principal may authorize a
7 lobbyist to engage in lobbying on its behalf unless the principal reports to the board,
8 in such manner as the board may prescribe, each legislative proposal, budget bill
9 subject and proposed administrative rule number in connection with which the
10 principal has made or intends to make a lobbying communication or, if the lobbying
11 does not relate to a legislative proposal or proposed administrative rule that has been
12 numbered or a budget bill subject, each topic of a lobbying communication made or
13 intended to be made by the principal. A principal shall describe any topic of a
14 lobbying communication with reasonable specificity, sufficient to identify the subject
15 matter of the lobbying communication and, unless the topic relates to a matter
16 specified in s. 13.64 (1) (f), whether the communication is an attempt to influence
17 legislative or administrative action, or both. The principal shall file the report no
18 later than the end of the 15th day after the date on which the principal makes a
19 lobbying communication with respect to a legislative proposal, proposed
20 administrative rule, budget bill subject or other topic not previously reported by the
21 principal under this section during the biennial period for which the principal is
22 registered. The report shall be made by a person who is identified by the principal
23 under s. 13.64 (1) (e).

24 **SECTION 8.** 13.68 (1) (a) (intro.), 1., 3., 4., 5. and 6. of the statutes are amended
25 to read:

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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 employees, lobbying expenditures and obligations for any
5 employee of the principal who is not a lobbyist and who devotes not more than 10
6 hours to lobbying during a reporting period, and lobbying expenditures and
7 obligations specified in pars. (b), (d) and (e). With respect to expenditures and
8 obligations 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 employees 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

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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 expenditures
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 lobbying 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 lobbying expenditures, 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 9.** 13.68 (1) (b) of the statutes is amended to read:

19 13.68 (1) (b) If a lobbyist is an employee, officer or director of a principal and
20 the 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 expenditures incurred by the principal for office space, utilities,
23 supplies and compensation of employees who are utilized in preparing for lobbying
24 communications. Any lobbying expenditures made or obligations to make lobbying
25 expenditures incurred for office overhead costs which are included in the amount

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

3 **SECTION 10.** 13.68 (1) (bn) of the statutes is amended to read:

4 13.68 (1) (bn) For each legislative proposal, proposed administrative rule,
5 budget bill subject or other topic that accounts for 10% or more of the principal's time
6 spent in lobbying during the reporting period, the principal's reasonable estimate of
7 the proportion of its time spent in lobbying associated or attempting to influence
8 official action under s. 13.62 (10r) with respect to that legislative proposal, proposed
9 administrative rule, budget bill subject or other topic.

10 **SECTION 11.** 13.68 (1) (c) (intro.) and 2. and (e) of the statutes are amended to
11 read:

12 13.68 (1) (c) (intro.) A record disclosing the amount of time spent to influence
13 legislative or administrative action, or other official action under s. 13.62 (10r). The
14 record shall be supplied on a form provided by the board and shall include a daily
15 itemization of the time, except the time of a clerical employee, the time of an
16 employee who is not a lobbyist and who devotes not more than 10 hours to lobbying
17 during a reporting period and the time of an unpaid volunteer, spent by the principal
18 on:

19 2. Research, preparation and any other activity which includes lobbying or
20 attempting to influence other official action under s. 13.62 (10r).

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

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1 lobbying or for reasons unrelated to lobbying or attempting to influence other official
2 action under s. 13.62 (10r).

3 **SECTION 12.** 13.68 (2) (a) of the statutes is amended to read:

4 13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employee
5 both for lobbying activities or expenses expenditures which are not exempt under s.
6 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1. or 6., the
7 lobbyist or principal shall estimate and report the portion of the compensation and
8 reimbursements paid for nonexempt lobbying activities or expenses expenditures or,
9 if 85% or more of the total compensation and reimbursements paid to the lobbyist or
10 employee relate to are for lobbying or expenses expenditures which are not exempt
11 under s. 13.621, the lobbyist or principal may report the entire amount of the
12 compensation and reimbursements paid to the lobbyist or employee.

13 **SECTION 13.** 13.68 (3) of the statutes is amended to read:

14 13.68 (3) EXEMPT ACTIVITIES. Lobbying expenditures made and obligations to
15 make lobbying expenditures incurred for activities identified under s. 13.621 (1) (a)
16 to (f) and (3) are not required to be reported under sub. (1), regardless of whether the
17 principal or a lobbyist for the principal also engages in lobbying activities which are
18 not identified in s. 13.621 (1) (a) to (f) and (3) that are required to be reported under
19 sub. (1).

20 **SECTION 14.** 13.68 (5) of the statutes is amended to read:

21 13.68 (5) RECORDS. Each principal and each lobbyist engaged by a principal
22 shall obtain, organize and preserve all accounts, bills, receipts, books, papers and
23 other documents necessary to substantiate the expense statement, including an
24 account identifying the amount of time that a principal and each of its authorized
25 lobbyists spend each day on lobbying each day or attempts to influence official action

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1 under s. 13.62 (10r), for 3 years after the date of filing the expense statement. A
2 principal may permit its authorized lobbyist to maintain any of the records identified
3 in this subsection on its behalf.

4 **SECTION 15.** 13.68 (6) of the statutes is amended to read:

5 13.68 (6) **SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT.** If a
6 principal fails to timely file a complete expense statement under this section, the
7 board may suspend the privilege of any lobbyist to lobby act as a lobbyist on behalf
8 of the principal. Upon failure of a principal to file the required expense statement,
9 the board shall mail written notices to the principal and to any lobbyist for whom a
10 written authorization has been filed under s. 13.65 to act as a lobbyist for the
11 principal informing them that unless the principal files the delinquent statement
12 within 10 business days after the date of mailing of the notices, no lobbyist may lobby
13 act as a lobbyist on behalf of the principal. The privilege of any lobbyist to lobby act
14 as a lobbyist on behalf of the principal shall be restored immediately upon filing the
15 delinquent statement. The notices shall be sent by certified mail to the last-known
16 addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved
17 by a suspension of lobbying privileges to act as a lobbyist under this subsection may
18 request a hearing under s. 227.42 regarding the suspension.

19 **SECTION 16.** 13.685 (7) of the statutes is amended to read:

20 13.685 (7) Beginning with the 3rd Tuesday following the beginning of any
21 regular or special session of the legislature and on every Tuesday thereafter for the
22 duration of such session, the board shall, from its records, submit to the chief clerk
23 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),
24 a report of the names of lobbyists licensed under s. 13.63 and the names of officers
25 and employees of agencies filed under s. 13.695 who were not previously reported,

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1 the names of the principals or agencies whom they represent and the general areas
 2 of legislative and administrative action or other official action of agencies under s.
 3 13.62 (10r) which the principals or agencies are the object of their lobbying activity
 4 attempting to influence. Such reports shall be incorporated into the journal of the
 5 senate and a copy filed in the office of the chief clerk of the assembly. The board shall
 6 also notify the chief clerk of each house that a copy of each statement which is
 7 required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy
 8 shall be open to public inspection but shall not be incorporated in the journal unless
 9 the chief clerk so orders. The board shall include in its biennial report under s. 15.04
 10 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

SECTION 17. Initial applicability.

11
 12 (1) This act first applies with respect to reports filed by principals under section
 13 13.68 (1) of the statutes for the first reporting period beginning after the effective
 14 date of this subsection.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0236/2ins
JTK.....

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

13.62 (3) "Agency official" means a member, officer, employee, or consultant of any agency who as part of such person's official responsibilities participates in any administrative ^{action} or ^{plain} executive action in other than a solely clerical, secretarial, or ministerial capacity. ^{score}

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; 1999 a. 9, 185.

SECTION 2. 13.62 (7) of the statutes is created to read:

13.62 (7) "Executive action" means the proposal, development, drafting, consideration, modification, adoption, rejection, or review of any contract, lease, purchase, grant, license, award, expenditure, or other official action by an agency, but does not include administrative action.

SECTION 3. 13.62 (10r) of the statutes is amended to read:

13.62 (10r) "Lobbying expenditure" means an expenditure related to the performance of lobbying, or ² in the case of a principal who employs a lobbyist to attempt to influence executive action, an expenditure related to attempting to influence executive action, 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 or attempting to influence executive action.

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; 1999 a. 9, 185.

SECTION 4. 13.62 (12) of the statutes is amended to read:

13.62 (12) "Principal" means any person who employs a lobbyist to engage in lobbying or attempting to influence executive action. If an association, corporation, limited liability company, or partnership engages a lobbyist, an officer, employee,

member, shareholder, or partner of the association, corporation, limited liability company, or partnership shall not be considered a principal.

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; 1999 a. 9, 185.

SECTION 5. 13.621 (1) (a) of the statutes is amended to read:

13.621 (1) (a) Lobbying or attempting to influence executive action 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.

SECTION 6. 13.625 (1) (a) and (d) of the statutes are amended to read:

13.625 (1) (a) Instigate legislative ~~or~~, administrative, or executive action for the purpose of obtaining employment in support or opposition thereto.

History: 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227.

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative ~~or~~, administrative, or executive action.

History: 1977 c. 278, 418; 1979 c. 32; 1987 a. 27; 1989 a. 338; 1991 a. 39, 269; 1995 a. 27 ss. 35, 36, 9116 (5); 1995 a. 227.

SECTION 7. 13.64 (1) (f) of the statutes is created to read:

13.64 (1) (f) If the principal intends to attempt to influence executive action of an agency, the name of each such agency and the general areas of executive action that the principal is attempting to influence.

SECTION 8. 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, or executive 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, or executive action and in relation to which a lobbyist is employed.

History: 1977 c. 278; 1989 a. 338; 1993 a. 112; 1997 a. 186, 191; 1999 a. 9.

SECTION 9. 13.67 (1) of the statutes is amended to read:

2

13.67 (1) Except as authorized under s. 13.621, no person may engage in lobbying or attempting to influence executive action as a lobbyist on behalf of a principal and no principal may authorize a lobbyist to engage in lobbying or attempting to influence executive action on its behalf unless the principal reports to the board, in such manner as the board may prescribe, each legislative proposal, budget bill subject [✓] and proposed administrative rule number in connection with which the principal has made or intends to make a lobbying communication or, if the lobbying does not relate to a legislative proposal or proposed administrative rule that has been numbered or a budget bill subject, each topic of a lobbying communication made or intended to be made by the principal and each topic of a communication that attempts to influence executive action. A principal shall describe any topic of a lobbying communication or a communication that attempts to influence executive action with reasonable specificity, sufficient to identify the subject matter of the lobbying communication and whether the communication is an attempt to influence legislative ~~or~~ administrative or executive action, ~~or both~~. The principal shall file the report no later than the end of the 15th day after the date on which the principal makes a lobbying communication with respect to a legislative proposal, proposed administrative rule, budget bill subject ^{de} or other topic, or executive action ^{not} previously reported by the principal under this section during the biennial period for which the principal is registered. The report shall be made by a person who is identified by the principal under s. 13.64 (1) (e).

History: 1997 a. 186; 1999 a. 9.

SECTION 10. 13.68 (1) (a) (intro.), 1., 3., 4., 5. and 6. of the statutes are amended to read:

13.68 (1) (a) (intro.) The aggregate total amount of lobbying expenditures made and obligations to make lobbying expenditures incurred for lobbying 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:

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

1. Lobbying expenditures made and obligations to make lobbying expenditures incurred for lobbying shall include compensation to lobbyists ~~for lobbying~~, 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~~.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

3. A reasonable estimate of lobbying expenditures made and obligations to make lobbying expenditures incurred for conducting, compiling, or preparing research, information, statistics, studies, or analyses ~~used in lobbying~~ shall be included in the aggregate total. Lobbying expenditures and obligations to make lobbying expenditures shall not be reported under this subdivision if the use in lobbying or attempting to influence executive action 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 or for attempting to influence executive action and for other purposes ~~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 and attempting to influence executive action in the aggregate total.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

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

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

5. Lobbying expenditures made and obligations to make lobbying expenditures 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, or executive action 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.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

6. If the total amount of lobbying expenditures and obligations to make lobbying expenditures, 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.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 11. 13.68 (1) (b) of the statutes is amended to read:

13.68 (1) (b) If a lobbyist is an employee, 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 to make lobbying expenditures incurred by the principal for office space, utilities, supplies, and compensation of employees who are utilized in preparing for lobbying

communications. Any lobbying expenditures made or obligations to make lobbying expenditures 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.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 12. 13.68 (1) (bn) of the statutes is amended to read:

13.68 (1) (bn) For each legislative proposal, proposed administrative rule, budget bill subject ^eor other topic, or executive action 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 or attempting to influence executive action with respect to that legislative proposal, proposed administrative rule, budget bill subject [✓]or other topic, or executive action.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 13. 13.68 (1) (c) (intro.) and 2. of the statutes ^{are} ~~is~~ amended to read:

13.68 (1) (c) (intro.) A record disclosing the amount of time spent to influence legislative or administrative action, or executive action in the case of a principal who employs a lobbyist to attempt to influence executive 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 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:

2. Research, preparation, and any other activity which includes lobbying or attempting to influence executive action.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 14. 13.68 (1) (e) of the statutes is amended to read:

13.68 (1) (e) The total lobbying expenditures made and obligations to make lobbying expenditures 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 or attempting to influence executive action.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 15. 13.68 (2) (a) of the statutes is amended to read:

13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employee both for lobbying ~~activities or expenses~~ expenditures 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~~ expenditures or, if 85% or more of the total compensation and reimbursements paid to the lobbyist or employee relate to are for lobbying or expenses expenditures 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 employee.

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 16. 13.68 (3) of the statutes is amended to read:

13.68 (3) EXEMPT ACTIVITIES. Lobbying expenditures made and obligations to make lobbying expenditures incurred for activities 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)~~ that are required to be reported under sub. (1).

History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 17. 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 each day on lobbying each day or attempting to influence executive action, 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. 186; 1999 a. 9.

SECTION 18. 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 or to attempt to influence executive action 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 or attempt to influence executive action on behalf of the principal. The privilege of any lobbyist to lobby or attempt to influence executive action 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 or the privilege of attempting to influence

executive action under this subsection may request a hearing under s. 227.42 regarding the suspension.

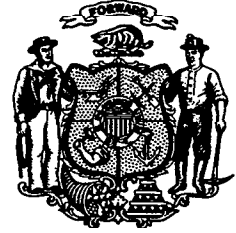
History: 1977 c. 278; 1989 a. 338 ss. 19, 27 to 32; 1997 a. 186; 1999 a. 9.

SECTION 19. Initial applicability.

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

~~END~~

State Representative
Spencer Black



State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

Lynn:

here's the
jacket - LRB
0236.

Thanks for sending
us a new one.

Susan McMurray

* Re-jacketed - wrong names written
on Jacket - old jacketed
destroyed 1/2/02