

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

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*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

03hr_CRule_03-061_AC-CE_pt01

> Hearing Records ... HR (bills and resolutions)

> **

> Miscellaneous ... Misc

> **

DATE: October 15, 2003

TO: Terri Griffiths

Committee on Campaigns and Elections

FROM: Patrick E. Fuller, Assembly Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

CLEARINGHOUSE RULE 03-061

AN ORDER to amend Eth 1.03; and to create Eth 1.04, relating to the identification of a topic of a lobbying communication that relates to an attempt to influence administrative action.

Submitted by **Ethics Board.**

Report received from Agency on **October 7, 2003.**

To committee on **Campaigns and Elections.**

Referred on **Wednesday, October 15, 2003.**

Last day for action - **Friday, November 14, 2003.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs choose to do so, you are not required by law or rule to send a copy of the text of the rule to each member at this time. Instead, your notice could state that members should contact you if they wish to receive a hard copy of the rule. Another option would be to email the rule to members. **(Please note that the text of Rules beginning with the prefix "01" is available online in the Clearinghouse Rules infobase in FOLIO.)** Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. ~~Only need one copy remaining in the jacket when you report it out of committee at the end of the review period.~~

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Ken Stigler (6-2406) or your Legislative Council attorney. If you wish to learn more on this subject, read section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.

Please take notice that, on October 3, 2003, the Ethics Board submitted the following proposed rule to the presiding officer of each house of the legislature:

Ethics (CR 03-061):

Amend Eth 1.03 and create Eth 1.04, relating to the identification of a topic of a lobbying communication that relates to an attempt to influence administrative action.

Rule.

The Wisconsin Ethics Board adopts an order to amend Eth1.03 and to create Eth1.04, relating to the identification of a topic of a lobbying communication that relates to an attempt to influence administrative action.

SECTION 1. Eth1.03 is amended to read:

1.03. Topic of a lobbying communication. A person reports a topic as provided by s. 13.67, Stats., if the person provides the board all of the following information:

- (a) A succinct written statement sufficient to put the reader on notice of the communication's subject matter; and
- (b) Whether the communication is an attempt to influence legislative or administrative action, or both.
- (c) With respect to an attempt to influence administrative action, if the lobbying communication relates to the subject of a scope statement published in the Wisconsin Administrative Register, the scope statement summary, together with the date of the register and page number on which the scope statement appears.

SECTION 2. Eth1.04 is created to read:

1.04. Proposed administrative rule number. A person reports a proposed administrative rule number as provided by s. 13.67, Stats., if the person provides the board any of the following:

- (1) The related scope statement summary published in the Wisconsin Administrative Register, together with the date of the register and page number on which the scope statement appears.
- (2) The clearinghouse rule number.

Analysis.

Statutory authority: s. 13.685(4), Stats.

Statutes interpreted: ss. 13.67 and 13.68(1)(bn), Stats.

The Ethics Board administers Wisconsin's Lobbying Law, Ch. 13, subch. III, Stats. Under s. 13.67, Stats., a lobbying principal must identify (and others may identify) to the Ethics Board the proposed administrative rule number in connection with which the principal has made or intends to make a lobbying communication.

In addition, a lobbying principal must identify (and others may identify) to the Ethics Board a topic of a lobbying communication that is not a legislative proposal or proposed administrative rule that has been numbered or a budget bill subject. Section 13.67, Stats. The statute requires that a principal describe each topic 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. Section 13.685(4), Stats., requires that the Ethics Board, by rule, define what constitutes a topic.

The proposed rule amends Eth 1.03 as it relates to the type of information that a lobbying principal must provide to satisfy the statutory identification requirement with respect to administrative action, pursuant to ss. 13.67 and 13.68(1)(bn), Stats. The proposed rule also creates Eth 1.04 to specify how a principal must report a proposed administrative rule number. In each instance, if the lobbying communication relates to the subject of a scope statement published in the Wisconsin Administrative Register, the principal must identify the scope statement summary, together with the date of the register on which the scope statement appears.

Public hearing attendees.

The following individuals appeared at the Board's public hearing held September 25, 2003:

- Janie Ritter, representing Wisconsin Manufacturers & Commerce
- Aly VanDerWeide, representing Broydrick & Associates

Response to clearinghouse report.

The Board has adopted all legislative council staff recommendations with respect to *Form, Style, and Placement in Administrative Code* and with respect to *Clarity, Grammar, Punctuation and Use of Plain Language*.