

2007 DRAFTING REQUEST

Bill

Received: 02/15/2007

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Terri Griffiths**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Elections - campaign finance
Elections - miscellaneous
Employ Pub - miscellaneous
Ethics
Lobbying**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sanctions for providing access to certain records or information

Instructions:

Per E mails, 1/30/07 and 2/15/07.

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>
/?	jkuesel 02/22/2007 rchampag 02/22/2007	wjackson 02/22/2007		_____			State
/1			pgreensl 02/23/2007	_____	sbasford 02/23/2007	cduerst 02/28/2007	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

mbarman
06/08/2007

FE Sent For: "/1" @ intro. 7-2-2007

<END>

e-mail
only

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/?	jkuesel	1 WLJ 2/22	2/23 P8	2/22 P8/1/07			

FE Sent For:

<END>

Kuesel, Jeffery

To: Griffiths, Terri
Subject: RE: G.A. B. AMENDMENTS FOR DRAFTING AS BILLS LRB 07a0053 Topic: Violations

Terri,
We will take care of this request for you.

Jeffery Kuesel

Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

From: Griffiths, Terri
Sent: Thursday, February 15, 2007 11:03 AM
To: Kuesel, Jeffery
Cc: Griffiths, Terri
Subject: FW: G.A. B. AMENDMENTS FOR DRAFTING AS BILLS LRB 07a0053 Topic: Violations

Jeff,

Rep. Albers would like this amendment drafted as a separate bill. Thank you. Terri

From: Basford, Sarah
Sent: Tuesday, January 30, 2007 2:43 PM
To: Rep.Aibers
Subject: G.A. B. AMENDMENTS FOR DRAFTING AS BILLS LRB 07a0053 Topic: Violations

The attached proposal has been jacketed for introduction.

A copy has also been sent to:

<< File: LRB a0053_1 >>

Kuesel, Jeffery

From: Griffiths, Terri
Sent: Tuesday, January 30, 2007 12:04 PM
To: Kuesel, Jeffery
Subject: FW: Amendment to the E&E bill

Hi Jeff,

Rep. Albers would like the following amendments drafted to special session AB 1 please. These would be floor amendments. I'll just let you read her directions below and if there is follow-up needed I'll have to ask her.

Thanks,

Terri

2. ✓ Eliminate prison time for violation of releasing information that should not have been disclosed as the matter was still subject to investigation. ✓ Subject breach of contracts made under the section that allows for retaining an outside investigator or other contracted services, to double damages if the breach involves release of information that was to be confidential. Unauthorized release of information that is to not subject to open records, by any state employee during their employment at GAB or released while employed by another agency but having been previously employed at the GAB constitutes grounds for immediate dismissal; investigation into such matter shall be completed within 6 months. No pay continuance beyond 6 months from the date suspension or termination came to be ordered by the ~~Ex-Director~~ for unauthorized release of information which under the law is to remain confidential. State employee charged with such a violation may be reassigned during the suspension to other employment during the 6 month investigation period. A person terminated may receive compensation while suspended without pay, but if found guilty must repay funds to the state as a matter of restitution.

Sheryl

Board or legal counsel to the board

2007 – 2008 LEGISLATURE
January 2007 Special Session

LRBa0053/1
JTK&RAC:lmk:pg

ASSEMBLY AMENDMENT 5,
TO SENATE BILL 1

January 30, 2007 – Offered by Representative ALBERS.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 41, line 14: after “law.” insert “Any person who is injured by a violation
4 of this paragraph that constitutes a breach of contract may recover double damages
5 for the breach.”.

6 **2.** Page 42, line 1: delete “\$10,000” and substitute “\$10,000.”.

7 **3.** Page 42, line 2: delete that line.

8 **4.** Page 66, line 21: after that line insert:

9 “SECTION 174m. 111.91 (2) (hm) of the statutes is created to read:

10 111.91 (2) (hm) Disciplinary procedure under s. 230.34 (5).”.

11 **5.** Page 72, line 2: after that line insert:

12 “SECTION 194m. 230.34 (5) of the statutes is created to read:



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1965/7
JTK&RAC.../.....

WLj

LPS:
Please
print w/
line #s.

SOON

Gen

AN ACT ...; relating to: sanctions for providing access to certain investigatory and prosecutorial records or information in the possession of the Government Accountability Board or another investigator or prosecutor and providing a penalty.

(board)

Analysis by the Legislative Reference Bureau

Currently, effective sometime after August 31, 2007, except as specifically authorized by law, no investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the Government Accountability Board may disclose information related to an investigation or prosecution of a potential violation of the elections, ethics, or lobbying regulation laws, or any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation or provide access to any record of the investigator, prosecutor, or the board that is not subject to public access by law to any person other than an employee or agent of the investigator or prosecutor or a member, employee, or agent of the board prior to presentation of the information or record in a court of law. Violators are guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both, for each violation.

This bill provides that violators of the prohibition may be fined not more than \$10,000 for each violation but are not subject to imprisonment. The bill also provides

Insert
Analysis

that any person who is injured by a violation of the prohibition that constitutes a breach of contract may recover double damages for the breach.

FE-S

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

SECTION 1. 12.13 (5) (a) of the statutes, as created by 2007 Wisconsin Act 1, is amended to read:

12.13 (5) (a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board may disclose information related to an investigation or prosecution under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the board that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, employee, or agent of the board prior to presentation of the information or record in a court of law. Any person who is injured by a violation of this paragraph that constitutes a breach of contract may recover double damages for the breach.

*

History: 2007 a. 1.

SECTION 2. 12.60 (1) (bm) of the statutes, as created by 2007 Wisconsin Act 1, is amended to read:

12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 2007 a. 1.

(END)

→
Insert
Page 2 ↓

Insert Analysis:

*and an investigation
may be commenced*

The bill further provides that if the board, or legal counsel to the board, determines that reasonable suspicion exists to investigate a state employee for disclosing the information specified above while that employee was employed by the board, the employee may be suspended with pay or reassigned to other state employment. No later than 6 months after the date on which the employee was suspended or reassigned, the investigation must be completed. If it is determined that the employee disclosed the information, the employee may be terminated. If the employee is convicted of disclosing the information, the employee must pay to the state all moneys paid to the employee while the employee was suspended with pay. The bill removes this investigatory and disciplinary procedure from current mandatory subjects of collective bargaining.

Insert page 2:

SECTION 1. 111.91 (2) (hm) of the statutes is created to read:

111.91 (2) (hm) Disciplinary procedure under s. 230.34 (5).

SECTION 2. 230.34 (5) of the statutes is created to read:

230.34 (5) If the governmental accountability board, or legal counsel to the governmental accountability board, determines that reasonable suspicion exists to investigate an employee for a violation of s. 12.13 (5) while that employee was employed by the governmental accountability board, the employee may be suspended with pay or reassigned to other state employment if a vacant position is available at comparable pay. No later than 6 months after the date on which the employee was suspended or reassigned, the governmental accountability board, or legal counsel to the governmental accountability board, shall complete the investigation. If the governmental accountability board, or legal counsel to the governmental accountability board, determines that the employee violated s. 12.13 (5), the employee may be terminated. If the employee is convicted for a violation of

s. 12.13 (5), the employee shall pay to the state all moneys paid to the employee while the employee was suspended with pay.

SECTION 3. Initial applicability.

(1) The treatment of section 230.34 (5) of the statutes first applies to an employee who is affected by a collective bargaining agreement that contains provisions that are inconsistent with that section on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

Barman, Mike

From: Griffiths, Terri
Sent: Wednesday, February 28, 2007 12:40 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1965/1 Topic: Sanctions for providing access to certain records or information

Please Jacket LRB 07-1965/1 for the ASSEMBLY.

Barman, Mike

From: Kuesel, Jeffery
Sent: Friday, June 08, 2007 8:42 AM
To: Barman, Mike
Subject: FW: LRB-1965

From: Griffiths, Terri
Sent: Friday, June 08, 2007 8:24 AM
To: Kuesel, Jeffery
Subject:

Jeff,

Could you send over an electronic version of LRB 1965 - evidently I have deleted from Rep. Albers inbox and can no longer retrieve it.

Thanks,

Terri S. Griffiths
Office of Rep. Sheryl Albers
266-8531
877-947-0050