

**2007 DRAFTING REQUEST**

**Bill**

Received: 12/14/2006

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Ford Kelly**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Employment restrictions on PSC commissioners

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**Instructions:**

Redraft 2005 SB 311

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**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>
/?	mkunkel 12/14/2006	kfollett 12/15/2006		_____			S&L Crime
/1			nmatzke 12/15/2006	_____	sbasford 12/15/2006	cduerst 01/12/2007	

FE Sent For:

*at utms  
2/1/07*

<END>

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/?	mkunkel	11/15 12/15 JF	nwn 12/15	nwn/CS 12/15			

FE Sent For:

<END>

## **Kunkel, Mark**

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**From:** Kelly, Jessica  
**Sent:** Thursday, December 07, 2006 4:34 PM  
**To:** Kunkel, Mark  
**Subject:** Redraft of 2005 LRB 3342 SB 311

Mark, can you please have this redrafted? Thanks.

**Jessica Ford Kelly**  
Office of Senator Julie Lassa  
State Capitol, Room 109 - South  
P.O. Box 7882  
Madison, WI 53707-7882  
608-266-3123  
1-800-925-7491 toll-free  
608-267-6797

12/21

PWF

NOTE

lgf  
11/14/21

RM NOT  
RUN

2005 SENATE BILL 311

August 31, 2005 - Introduced by Senators LASSA, MILLER, CARPENTER, COGGS and HANSEN, cosponsored by Representatives BLACK, BOYLE, ZEPNICK, BERCEAU, CULLEN, POCAN, SHERIDAN, LEHMAN and MOLEPSKE. Referred to Committee on Energy, Utilities and Information Technology.

Regen

1 AN ACT *to renumber* 19.579; *to amend* 19.579 (title) and 19.58 (1) (a); and *to*  
2 *create* 19.45 (14), 19.579 (2) and 19.58 (1) (c) of the statutes; **relating to:**  
3 restrictions on employment of former commissioners and certain staff of the  
4 Public Service Commission and providing a penalty.

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

Under current law, the commissioners of the Public Service Commission (PSC) are nominated by the governor and, with the advice and consent of the senate, appointed for six-year terms. The PSC regulates public utilities and also regulates, to varying degrees, nonutilities that provide certain telecommunications services. Current law prohibits a commissioner from having a financial interest in a public utility.

This bill provides that, for 12 months after an individual ceases to be a commissioner of the PSC, he or she may not be employed by, serve as a director of, render services to, or assist or participate in the affairs of, any of the following: 1) a person that has been subject to any regulation by the PSC, a subsidiary or affiliate of such a person, or a foundation organized or operated by such a person; or 2) a person that represents the interests of the foregoing persons. Under the bill, an executive assistant or division administrator employed by the PSC is subject to the same prohibitions during the 12-month period after he or she ceases to be employed by the PSC.

The bill's prohibitions are created in the Code of Ethics for State Public Officials and Employees (code). As a result, the Ethics Board may investigate an allegation

**SENATE BILL 311**

that an individual has violated a prohibition and may order compliance. In addition, the bill provides that an individual who violates the bill's prohibitions is subject to a forfeiture (civil penalty) of not more than \$50,000, and is also subject to the following criminal penalties: 1) a fine of between \$20,000 and \$50,000; 2) imprisonment for not more than one year; or 3) both a fine and imprisonment.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 19.45 (14) of the statutes is created to read:

2           19.45 (14) No commissioner of the public service commission or executive  
3 assistant or division administrator employed by the commission may, for 12 months  
4 following the date on which he or she ceases to be a commissioner or to be employed  
5 as an executive assistant or division administrator, be employed by, serve as a  
6 director of, render services to, or assist or participate in the affairs of, any of the  
7 following:

8           (a) A person that has been subject to any regulation by the public service  
9 commission, a subsidiary or affiliate of such a person, or a foundation organized or  
10 operated by such a person.

11           (b) Any person that represents the interests of a person described in par. (a).

12           SECTION 2. 19.579 (title) of the statutes is amended to read:

13           **19.579 (title) Civil penalty penalties.**

14           SECTION 3. 19.579 of the statutes is renumbered 19.579 (1).

15           SECTION 4. 19.579 (2) of the statutes is created to read:

**SENATE BILL 311**

1           19.579 <sup>✓</sup>(2) Any person who violates s. 19.45 (14) may be required to forfeit not  
2 more than \$50,000.

3           **SECTION 5.** 19.58 (1) (a) of the statutes is amended to read:

4           19.58 <sup>✓</sup>(1) (a) Any person who intentionally violates any provision of this  
5 subchapter except s. 19.45 (13) or (14) or 19.59 (1) (br), or a code of ethics adopted or  
6 established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more  
7 than \$5,000 or imprisoned not more than one year in the county jail or both.

8           **SECTION 6.** 19.58 (1) (c) of the statutes is created to read:

9           19.58 <sup>✓</sup>(1) (c) Any person who intentionally violates s. 19.45 (14) shall be fined  
10 not less than \$20,000 nor more than \$50,000 or imprisoned for not more than one  
11 year in the county jail or both.

12           **SECTION 7. Initial applicability.**

13           (1) This act first applies to an individual who is a commissioner of the public  
14 service commission or an executive assistant or division administrator employed by  
15 the public service commission on or after the effective date of this subsection.

16                                                   (END)

*D-Note*

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

LRB-1142/1dn  
MDK:...

*kyf*

*Date*

Sen. Lassa:

This bill is a redraft of 2005 SB 311. ✓

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)



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

LRB-1142/1dn  
MDK:kjf:nwn

December 15, 2006

Sen. Lassa:

This bill is a redraft of 2005 SB 311.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

**Duerst, Christina**

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**From:** Kelly, Jessica  
**Sent:** Friday, January 12, 2007 3:37 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-1142/1 Topic: Employment restrictions on PSC commissioners

Please Jacket LRB 07-1142/1 for the SENATE.