

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB304)**

Received: 08/26/2009

Received By: **jkuesel**

Wanted: As time permits

Identical to LRB:

For: **James Soletski (608) 266-0485**

By/Representing: **Dan Young**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Lobbying**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

ASA to AB-304

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**Instructions:**

Per attached E mail, 8/26/09.

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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>
/?	jkuesel 08/28/2009	csicilia 08/28/2009		_____ _____			
/1			rschluet 08/28/2009	_____ _____	sbasford 08/28/2009	sbasford 08/28/2009	

FE Sent For:

<END>

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1/1	jkuesel 8/28/09	1 js 8/28 09		NA			

FE Sent For:  <END>

**Kuesel, Jeffery**

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**From:** Young, Dan  
**Sent:** Wednesday, August 26, 2009 2:07 PM  
**To:** Kuesel, Jeffery  
**Subject:** AB 304 substitute amendment drafting request

Jeff:

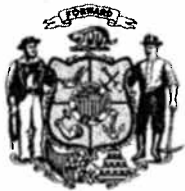
We would like a substitute amendment making two changes to AB 304:

- 1) Change the language to include any one convicted of a felony in a court of any state or the U.S., not just Wisconsin and U.S. courts.
  
- 2) Direct the GAB to include on the Application for Lobbying License <http://ethics.state.wi.us/Forms-Publications/Forms/LobbLicenseForm2007.pdf> a question(s) as to whether the applicant has ever been convicted of a felony and, if yes, have you served the sentence and otherwise satisfied the judgment against you? WisDOT has a somewhat similar question on applications for motor vehicle dealership owners: <http://www.dot.wisconsin.gov/business/dealers/forms/mv2844.pdf>

An exec session on this bill is likely going to be scheduled for September 9<sup>th</sup>.

Thanks.

*Dan*  
Daniel A. Young  
Office of Representative Jim Soletski  
(608) 266-0485  
1-888-534-0088



State of Wisconsin

2009 - 2010 LEGISLATURE

wanted MON 8/31

LRB-2809/1

JTK:cjs:ph

ASSEMBLY SUBSTITUTE ANDT <sup>stays</sup>

50108/1

TO

2009 ASSEMBLY BILL 304

sw

June 4, 2009 - Introduced by Representatives SOLETSKI, BIES, BERCEAU, BROOKS, MURSAU, A. OTT, SPANBAUER, VAN ROY and ZICMUNT, cosponsored by Senators A. EASEE and COWLES. Referred to Committee on Judiciary and Ethics.

(regenerate)

1 AN ACT to amend 13.63 (1) (b), 13.63 (2), 13.69 (4) and 13.69 (7); and to create  
2 13.691 of the statutes; relating to: ineligibility of convicted felons for licensure  
3 as lobbyists.

Analysis by the Legislative Reference Bureau

Currently, a lobbyist who is convicted of procuring his or her license by fraud or perjury or any other person who is convicted of acting as a lobbyist without being licensed is not eligible to be licensed as a lobbyist for a period of three years from the date of that conviction. In addition, the license of any lobbyist who is convicted of a violation of the lobbying regulation law may be revoked by the Government Accountability Board for a period of not more than three years from the date of that conviction, and a lobbyist who is convicted of a criminal violation of the lobbying regulation law is ineligible for licensure as a lobbyist for a period of five years from the date of that conviction.

This bill provides that no person who is convicted of a felony in any court ~~of this~~ <sup>within</sup> state or of the United States is eligible to be licensed as a lobbyist for a period of five years from the date of conviction or until the person has served his or her sentence and has otherwise satisfied the judgment against him or her, whichever is longer, unless the person is pardoned of the conviction. The bill also directs the board to revoke the license of any lobbyist upon conviction of the lobbyist of a felony in any court of this state or of the United States. The bill provides that any person who becomes ineligible for licensure as a lobbyist or whose license is revoked may apply to the board for reinstatement of his of her license after the mandatory ineligibility

Substitute amendment

within

period. The board may then reinstate the person's license if the board finds that the person is rehabilitated and of good professional repute.

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

SECTION 1. 13.63 (1) <sup>(a) and</sup> (b) of the statutes ~~is~~ <sup>are</sup> amended to read:

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13.63 (1) (b) Except as provided under par. (am), the board shall not issue a license to an applicant who does not provide his or her social security number. The board shall not issue a license to an applicant or shall revoke any license issued to a lobbyist if the department of revenue certifies to the board that the applicant or lobbyist is liable for delinquent taxes under s. 73.0301. The board shall refuse to issue a license or shall suspend any existing license for failure of an applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or failure of an applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. No application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under this subsection or s. 13.69 (4) or 13.691 (1) or an application by a lobbyist whose license has been revoked under this subsection or s. 13.69 (7) or 13.691 (2) and only for the period of such ineligibility or revocation.

SECTION 2. 13.63 (2) of the statutes is amended to read:

13.63 (2) REVOCATION OF LOBBYING PRIVILEGES. No lobbyist whose license has been revoked under s. 13.69 (7) or 13.691 (2) may engage in lobbying as a lobbyist for

**ASSEMBLY BILL 304**

any principal unless or until such person has been reinstated to the practice of lobbying and duly licensed.

**SECTION 3.** 13.69 (4) of the statutes is amended to read:

13.69 (4) Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction, unless s. 13.691 (1) applies.

**SECTION 4.** 13.69 (7) of the statutes is amended to read:

13.69 (7) In addition to the penalties imposed for violation of ss. 13.61 to 13.68, the license of any lobbyist who is convicted of a violation may be revoked for a period not to exceed 3 years and a lobbyist who is convicted of a criminal violation is ineligible for licensure for a period of 5 years from the date of conviction, unless s. 13.691 (1) applies.

**SECTION 5.** 13.691 of the statutes is created to read:

**13.691 Conviction of felony.** (1) No person who is convicted of a felony in

any court <sup>within</sup> ~~of this state or of~~ the United States is eligible to be licensed as a lobbyist, for a period of 5 years from the date of conviction or until the person has served his or her sentence and has otherwise satisfied the judgment against him or her, whichever is longer, unless the person is pardoned of that conviction, and until the board has reinstated the privilege of the person to be licensed as a lobbyist.

(2) The board shall revoke the license of any lobbyist upon conviction of the lobbyist of a felony in any court of this state or of the United States. within

(3) The board may reinstate the privilege of any person to be licensed as a lobbyist after the person becomes ineligible for licensure under sub. (1) or the person's license is revoked under sub. (2) if the period of ineligibility under sub. (1)

**ASSEMBLY BILL 304**

**SECTION 5**

1      has expired and the board finds that the person is rehabilitated and of good  
2      professional repute.

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(END)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0108/1ins  
JTK.....

INS 2-2:

(a) An application for a license to act as a lobbyist may be obtained from and filed with the board. Except as authorized under par. (am), an applicant shall include his or her social security number on the application. The applicant shall also state whether the applicant has been convicted of a felony in any court within the United States and if so, the date of the conviction, and whether he or she has served his or her sentence, if any, and has otherwise satisfied the judgment against him or her. The application shall be signed, under the penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of each registered principal who or which has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75 (4). The license shall expire on December 31 of each even-numbered year.

**History:** 1977 c. 29, 278; 1979 c. 32 s. 92 (1); 1985 a. 29; 1985 a. 182 s. 57; 1989 a. 338; 1995 a. 27; 1997 a. 191, 237; 1999 a. 9, 32, 186; 2007 a. 20.