

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB322)

Received: **07/06/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Don Dyke - LCS**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Ethics**

Extra Copies: **Don Dyke - LCS - 1**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-322

Instructions:

Exempt item 3. from electronic posting under s. 19.44 (1) (e), stats. In-person inspection is still permitted.

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 07/10/2009	bkraft 07/10/2009		_____			
/1			jfrantze 07/10/2009	_____	mbarman 07/10/2009	mbarman 07/10/2009	

FE Sent For:

<END>

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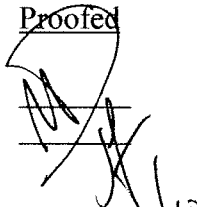
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FE Sent For:

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STATE OF WISCONSIN
Government Accountability Board

Statement of Economic Interests- Instructions

General filing information:

- The information sought in this form is required by §§19.43 and 19.44, Wisconsin Statutes.
- Need a blank form or have questions about completing this form? Visit the Government Accountability Board's web site at <http://ethics.state.wi.us>.
- Still have questions? For priority service send an e-mail to: ethics@ethics.state.wi.us; otherwise leave a detailed message at (608) 266-8123.

Attachments:

Additional pages may be used to provide all of the information necessary to complete your Statement of Economic Interests. Attached pages should conform to the same formatting as the existing Statement of Economic Interests. Investment house and brokerage statements should not be filed with your statement. Attachments relating to investment information should contain only the name of the investment and whether its value is between \$5,000 and \$50,000 or greater than \$50,000.

Definitions:

- "Family" or "family member" means your spouse, and any child, stepchild, parent, or parent-in-law who receives more than one-half of his or her support from you or from whom you receive more than one-half of your support.
- "Income" means gross income before deductions and depreciation, from whatever source derived, as defined by the Internal Revenue Code, but excludes dividends and interest.
- A "lobbyist" is an individual who attempts to influence legislation or administrative rules in Wisconsin by communicating with an elected state official, agency official, or legislative employee on another's behalf for pay.

Part A

As of December 31, 2008

1. INVESTMENTS. List stocks, bonds, limited partnerships, Wisconsin governmental securities, and mutual and money market funds you or your family held (minimum \$5,000).

a. **Funds Available in Wisconsin Deferred Compensation Program.** These funds are available to participants in the Wisconsin Deferred Compensation program and many of them are also available for direct purchase, independent of that program. If you held an investment of \$5,000 or more in any of these funds – either directly or through the program – please check the appropriate box.

b. Other Investments.

List

- ◆ stocks and stock options
- ◆ commodity futures contracts
- ◆ bonds
- ◆ limited partnerships
- ◆ securities issued by the State of Wisconsin or by local governmental entities within Wisconsin
- ◆ mutual funds and money market funds
- ◆ any of the above held directly or:
 - in a deferred compensation plan, profit-sharing plan, or pension plan whose investments you or your family directs
 - in an individual retirement account (IRA)
 - in a trust you or a family member created or of which you or a family member has beneficial use
 - held for you by a corporation, partnership, or other entity which you or your family controls

Do not list

- ◆ Wisconsin Retirement System
- ◆ savings accounts
- ◆ checking accounts
- ◆ certificates of deposit
- ◆ annuities
- ◆ insurance contracts
- ◆ securities issued by the federal government or a government outside Wisconsin
- ◆ securities issued by an organization that does not do any business in Wisconsin
- ◆ securities in a company in which you and your family's total interest is valued at less than \$5,000

List the security by name. For example, list "Fidelity Puritan Fund" and "IBM." Do not list "deferred compensation plan" or "IRA" or "Merrill Lynch account," since these terms do not identify the securities within the deferred compensation plan, IRA, or brokerage account.

To determine whether an investment meets the \$5,000 minimum for reporting, add the total value of all types of securities you and your family held in an individual business or other entity.

2. **BUSINESS ACTIVITIES.** List businesses; farms; rental, commercial, and income-producing real estate; and business activities in which you or your family had at least a 10% or greater interest.

a) **Enterprise(s) operating under a business or trade name, list here.** List the name of each business; farm; and rental, commercial and income-producing real estate that operated under a business name.

b) **Enterprise(s) NOT operating under a business or trade name, list here.**

- ◆ If you or a family member owned rental or other income-producing real estate, but did not operate under a business name, list the street address or fire number, municipality or town, county, and state of the real estate, and describe the nature of the business.
- ◆ If you or a family member was self-employed, but did not operate under a business name, list the street address or fire number, municipality or town, county, and state of the real estate, and describe the nature of the business.

19.44(17)(e) {

3. **COMMERCIAL CUSTOMERS, CLIENTS, AND TENANTS.** For each unincorporated business, subchapter S corporation, service corporation (SC), limited liability company (LLC), partnership, or income-producing real estate reported in Item 2, list businesses, organizations, and lobbyists that paid the enterprise \$1,000 or more in calendar year 2008. *Furthermore, please place a checkmark in the appropriate column if an organization listed in Item 3 authorized you to represent it in its dealings with others as an attorney-at-law, agent, spokesperson, or representative.*

List:

- ◆ both a third-party payer as well as the customer, client, or tenant if the business received income from a third-party payer (such as a fee, commission, or insurance payment received by a realtor, travel agent, or medical practice)

Do not list:

- ◆ an individual (unless the individual was a lobbyist or acting on behalf of a business or organization)
- ◆ a decedent's estate

4. **BUSINESS PARTNERS.** For each enterprise reported under Item 2, list its co-owners, partners, officers, and directors (other than yourself), unless the information is already registered with the Wisconsin Department of Financial Institutions.

List separately for each business the names and locations:

- ◆ for a general partnership, its partners
- ◆ for a corporation not registered to do business in Wisconsin, its officers and directors
- ◆ for a limited partnership not registered to do business in Wisconsin, its general partners

Do not list:

- ◆ information for a limited partnership created or registered in Wisconsin
- ◆ information for a corporation created or registered in Wisconsin

5. **NON-COMMERCIAL REAL ESTATE.** List the specific location of WISCONSIN REAL ESTATE in which you or your family had an interest (except your principal residence and real estate whose location you listed in Item 2).

List:

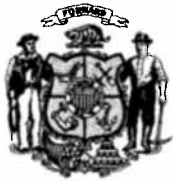
- ◆ real estate you or your family owned directly or through: (a) a partnership; (b) a corporation; (c) a trust; or (d) other enterprise

Do not list:

- ◆ your principal residence unless it was used for the conduct of a business or for rental purposes
- ◆ real estate for which you provided the location in Item 2

6. **OFFICERS AND DIRECTORS.** List organizations of which you or a family member was an officer or director (unless already listed in Item #2).

List:



Mon 7/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 322**

bh
SA
X-ref

Please
fix
Component
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At the locations indicated, amend the bill as follows:

1. Page 1, line ² ~~1~~: ~~after that line~~ ^g insert "electronic posting of and" ^{before identification}

2. Page 2, line 11: after that line insert:

"SECTION 3 ^{m-e} 19.55 (3) of the statutes is created to read:

19.55 (3) The board shall not post on the Internet any information reported under s. 19.44 (1) (f) or any information related to income-producing real property reported under s. 19.44 (1) (d)."

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0558/1dn

JTK.....

g Lbjk

Date

Representative Vos:

- > ^e① Item 3. of the statement of economic interests form requires reporting of certain income from each "unincorporated business". This requirement is not exactly consistent with what is required under s. 19.44 (1) (f), states income received from a partnership, limited liability company, subchapter S corporation, or service corporation (which are organizational models for many unincorporated businesses).
- > To the extent that the GAB's requirement sweeps beyond the ^ethe law, it is not limited by this draft.

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

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

LRBa0558/1dn
JTK:bjk:jf

July 10, 2009

Representative Vos:

Item 3. of the statement of economic interests form requires reporting of certain income from each “unincorporated business.” This requirement is not exactly consistent with what is required under s. 19.44 (1) (f), stats.: income received from a partnership, limited liability company, subchapter S corporation, or service corporation (which are organizational models for many unincorporated businesses). To the extent that the GAB’s requirement sweeps beyond the law, it is not limited by this draft.

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Managing Attorney
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