

2011 DRAFTING REQUEST

Bill

Received: **07/13/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

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

By/Representing: **Mark Knickelbine**

May Contact:

Drafter: **jkuesel**

Subject: **Ethics**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Certain WEDC positions covered under statutory code of ethics

Instructions:

Per attached E mail, 7/13/11.

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 07/21/2011	kfollett 07/21/2011		_____			
/1			rschluet 07/21/2011	_____	sbasford 07/21/2011		
/2	jkuesel 11/18/2011	kfollett 11/18/2011	phenry 11/18/2011	_____	ggodwin 11/18/2011		
/3	jkuesel 12/01/2011	kfollett 12/01/2011	rschluet 12/02/2011	_____	sbasford 12/02/2011		

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1? / 1	jkuesel 7/21/11	11/5f 7/21		_____	_____	_____	_____

FE Sent For:

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Kuesel, Jeffery

From: Gallagher, Michael
Sent: Wednesday, July 13, 2011 8:51 AM
To: Kuesel, Jeffery
Subject: FW: Drafting Instructions

Hi Jeff:

Can you take care of the ethics request below (WEDC P-draft 1)? I haven't entered a request for that one yet. Also, see Mark's e-mail regarding the position titles.

Thanks.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Knickelbine, Mark
Sent: Tuesday, July 12, 2011 3:12 PM
To: Gallagher, Michael
Subject: RE: Drafting Instructions

Mike –

You're right, they're not there – I had been told they would be. The only other place they might have been is in the Dem's omnibus economic development budget motion, and I don't know that actual statutory language was ever written for that. Sorry to send you on a wild goose chase.

I presume the P-draft 2 instructions below are self explanatory. For Draft 1, what we have in mind as a model are provisions like 19.42 (5) (L) and (13) K, which specify the positions on the investment board staff that have to file interest statements and are defined as "state public officials" for purposes of the ethics code. We want to specify position titles – the instructions below are the positions given in the personnel plan to the WEDC board, and which are scheduled to be approved on July 30. If they change, we can amend the bill.

Mark

From: Gallagher, Michael
Sent: Tuesday, July 12, 2011 1:30 PM
To: Knickelbine, Mark
Subject: RE: Drafting Instructions

Mark:

I am trying to track down these amendments for you to get bills drafted. I don't see either of these provisions in b1389, which was SA 1 to AB 40.

There was something similar to your P-draft 1 below in AA 6 to ASA 1 to AB 40. Specifically, that amendment included provisions making the "principal executive staff of the Wisconsin Economic Development Corporation, as determined by the [government accountability] board" subject to state ethics rules. Is that what you want? That formulation probably makes more sense without knowing the specific titles of WEDC employees.

A quick search of the budget amendments did not turn up your P-draft 2, and I don't recall doing it. We can get that

drafted as it appears below, of course, but I just want to make sure we are on the same page.

Thanks.

Mike

Michael P. Gallagher

Legislative Attorney

Legislative Reference Bureau

(608) 267-7511

michael.gallagher@legis.wisconsin.gov

From: Knickelbine, Mark

Sent: Friday, July 08, 2011 11:27 AM

To: LRB.Legal

Subject: Drafting Instructions

Greetings! I need 2 p drafts to amend statutes in the new WEDC chapter. Both of these provisions were in b1389:

WEDC P-draft 1

Amend appropriate statutes to make the following employees of the Wisconsin Economic Development Corporation subject to state ethics laws:

Chief Executive Officer

Assistant to the Chief Executive Officer

Chief Operational Officer

Strategic Projects & Policy Advisor

Chief Legal Counsel

VP Entrepreneurship & Innovation

VP Economic & Community Development

VP Business & Industry Development

VP Business Climate & Marketing

Chief Financial Officer

WEDC P-draft 2

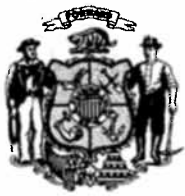
Amend s. 238.02(1), as created by 2011 Wis. Act 7, to read as follows:

238.02 Creation and organization of corporation.

(1) There is created an authority, which is a public body corporate and politic, to be known as the "Wisconsin Economic Development Corporation." The members of the board shall consist of the governor, who shall serve as chairperson of the board, and 6 members nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor; 3 2 members appointed by the speaker of the assembly, consisting of one majority ~~and one minority~~ party representative to the assembly, ~~appointed as are the members of standing committees in the assembly,~~ and one person employed in the or actively engaged in the operation of a private sector business in this state, to serve at the speaker's pleasure; and one member appointed by the minority leader of the assembly who is a minority party representative to the assembly, to serve at the pleasure of the minority

leader of the assembly, and ~~3~~ 2 members appointed by the senate majority leader, consisting of one majority and one minority party senator, ~~appointed as are members of standing committees in the senate,~~ and one person employed in ~~the~~ or actively engaged in the operation of a private sector business in this state, to serve at the majority leader's pleasure, and one member appointed by the minority leader of the senate who is a minority party senator, to serve at the pleasure of the minority leader of the senate. The secretary of administration and the secretary of revenue shall also serve on the board as nonvoting members.

Mark Knickelbine
Office of State Senator Julie Lassa
608 266 3123



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2379
JTK. kjf

File 7/22

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

- 1 AN ACT ...; relating to: creation and coverage of certain positions of the Wisconsin
- 2 Economic Development Corporation under the code of ethics for state public
- 3 officials and employees.

Analysis by the Legislative Reference Bureau

Currently, all members of the board of directors and the chief executive officer of the Wisconsin Economic Development Corporation are covered under the standards of conduct and the requirement to file statements of economic interests in the statutory code of ethics for state public officials and employees. This bill directs the board of directors of the corporation to maintain the following positions on its staff and provides that these positions are covered under the statutory code and the requirement to file statements of economic interests: assistant to the chief executive officer, chief operational officer, strategic projects and policy advisor, chief legal counsel, chief financial officer, and vice presidents for entrepreneurship and innovation, economic and community development, business and industry development, and business climate and marketing.

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

- 4 SECTION 1. 19.42 (10) (sn) of the statutes is created to read:

Kuesel, Jeffery

From: Kuesel, Jeffery
Sent: Friday, November 18, 2011 10:17 AM
To: Knickelbine, Mark
Subject: RE: Changes to LRB-2379

Mark,
Per our conversation today, we will redraft LRB-2379 to incorporate #1 and #2 changes below.
Regarding #3, we will not need to make a change because under s. 19.43 (3), stats. only a nominee whose nomination requires senate confirmation is required to file a statement of economic interests before assuming office. Per s. 19.43 (2), stats., a newly appointed official must file a statement of economic interests within 21 days after assuming office if he or she has not filed a statement during the year in which he or she assumes office. Since the positions specified in the draft, or any similar positions that the WEDC board may create, will not be subject to senate confirmation, the first filing will normally be within 21 days after assuming office.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Knickelbine, Mark
Sent: Wednesday, November 16, 2011 3:21 PM
To: Kuesel, Jeffery
Subject: Changes to LRB 2379

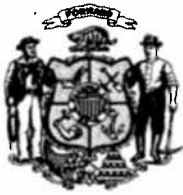
Jeff –

Three changes to this bill, one of them relatively straightforward:

- ✓ 1. We want to remove the position of Assistant to the CEO from the list of covered employees.
- ✓ 2. We'd like to have language that indicates that the ethics provisions apply to the specific positions referred to in the bill, or any similar positions WEDC may create. The intent here is that we don't want to permit WEDC to be able to skirt the law simply by changing the titles of their VP-level employees.
3. We want to change the financial reporting requirements for the WEDC employees covered under the bill to state that they have to report their current financial information as of their hiring date. The intent is to avoid requiring them to divulge information about business activities prior to their actually becoming WEDC employees.

Let me know what questions you have.

Mark Knickelbine
Office of State Senator Julie Lassa



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2379/2
JTK:kjf:rs

Mon 11/21

2011 BILL

Regen

1 AN ACT to create 19.42 (10) (sn), 19.42 (13) (on) and 238.03 (4) of the statutes;
2 relating to: creation and coverage of certain positions of the Wisconsin
3 Economic Development Corporation under the code of ethics for state public
4 officials and employees.

(WEDC)

Analysis by the Legislative Reference Bureau

WEDC
Currently, all members of the board of directors and the chief executive officer of the Wisconsin Economic Development Corporation are covered under the standards of conduct and the requirement to file statements of economic interests in the statutory code of ethics for state public officials and employees. This bill directs the board of directors of the corporation to maintain the following positions on its staff and provides that these positions are covered under the statutory code and the requirement to file statements of economic interests: ~~assistant to the chief executive officer~~, chief operational officer, strategic projects and policy advisor, chief legal counsel, chief financial officer, and vice presidents for entrepreneurship and innovation, economic and community development, business and industry development, and business climate and marketing. INSA

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

5 SECTION 1. 19.42 (10) (sn) of the statutes is created to read:

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2379/lins
JTK.....

INS A:

X # The bill also provides that if the board of directors of WEDC creates any positions that are similar to the above-named positions, as determined by the Government Accountability Board, those positions are also covered under the statutory code and the requirement to file statements of economic interests. ✓

Kuesel, Jeffery

From: Knickelbine, Mark
Sent: Wednesday, November 30, 2011 3:20 PM
To: Kuesel, Jeffery
Subject: Revisions to LRB 2379/2

Jeff –

In the wake of our meeting with WEDC today, we'd like to make the following revisions to this bill:

1. Remove the "strategic projects and policy advisor" from the list of covered employees;
2. Include the vice presidents of International Development, and Marketing and Public Affairs in the list of covered employees.

Let me know if you have any questions. Thanks!

Mark Knickelbine
Office of State Senator Julie Lassa
608 266 3123



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2379/2
JTK:kjf:ph

Fn: 12/2

2011 BILL

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4 officials and employees.

Analysis by the Legislative Reference Bureau

Currently, all members of the board of directors and the chief executive officer of the Wisconsin Economic Development Corporation (WEDC) are covered under the standards of conduct and the requirement to file statements of economic interests in the statutory code of ethics for state public officials and employees. This bill directs the board of directors of WEDC to maintain the following positions on its staff and provides that these positions are covered under the statutory code and the requirement to file statements of economic interests: chief operational officer, ~~strategic projects and policy advisor~~, chief legal counsel, chief financial officer, and vice presidents for entrepreneurship and innovation, economic and community development, business and industry development, ~~and~~ business climate and marketing. The bill also provides that if the board of directors of WEDC creates any positions that are similar to the above-named positions, as determined by the

, international development,
and marketing and public affairs

BILL

Government Accountability Board, those positions are also covered under the statutory code and the requirement to file statements of economic interests.

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

1 **SECTION 1.** 19.42 (10) (sn) of the statutes is created to read:

2 19.42 (10) (sn) The following positions on the staff of the Wisconsin Economic

3 Development Corporation: chief operational officer, ~~strategic projects and policy~~

4 ~~advisor,~~ chief legal counsel, chief financial officer, and vice presidents for

5 entrepreneurship and innovation, economic and community development, business

6 and industry development, ~~and~~ business climate and marketing or any similar

7 positions created by the board of directors of the corporation, as determined by the

8 government accountability board.

9 **SECTION 2.** 19.42 (13) (on) of the statutes is created to read:

10 19.42 (13) (on) The following positions on the staff of the Wisconsin Economic

11 Development Corporation: chief operational officer, ~~strategic projects and policy~~

12 ~~advisor,~~ chief legal counsel, chief financial officer, and vice presidents for

13 entrepreneurship and innovation, economic and community development, business

14 and industry development, ~~and~~ business climate and marketing or any similar

15 positions created by the board of directors of the corporation, as determined by the

16 government accountability board.

17 **SECTION 3.** 238.03 (4) of the statutes is created to read:

18 238.03 (4) The board shall maintain on its staff the positions of chief

19 operational officer, ~~strategic projects and policy advisor,~~ chief legal counsel, chief

20 financial officer, and vice presidents for entrepreneurship and innovation, economic

*international development,
and
marketing
and
public
affairs*

*international
development
and
marketing
and
public
affairs*

BILL

1 and community development, business and industry development, ~~and~~ business
2 climate and marketing *), international development, and marketing*
3 *and public affairs*

(END)

Kuesel, Jeffery

To: Knickelbine, Mark
Subject: RE: LRB 2379 WEDC Ethics Bill

Mark,
I will take care of it.

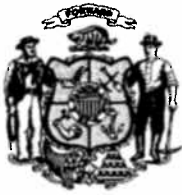
Jeff Kuesel

From: Knickelbine, Mark
Sent: Tuesday, December 06, 2011 2:38 PM
To: Kuesel, Jeffery
Subject: LRB 2379 WEDC Ethics Bill

Jeff –

Per our conversation this morning, we'd like to go ahead and have this redrafted so that the specific titles of the vice presidents are not mentioned; language along the lines of "such department vice presidents as the board shall designate." Let me know if you have further questions. We'd like to distribute this to WEDC board members on Thursday, 12/8.

Mark Knickelbine
Office of State Senator Julie Lassa
608 266 3123



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2379/8 4
JTK:kjf.rs

Wed 12/7

2011 BILL

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as the board may designate

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3 Development Corporation: chief operational officer, chief legal counsel, chief
4 financial officer, and vice presidents ^{any} ~~for entrepreneurship and innovation, economic~~ ^{appointed by the board of directors}
5 ~~and community development, business and industry development, business climate~~
6 ~~and marketing, international development, and marketing and public affairs~~ or any
7 similar positions created by the board of directors ~~of the corporation,~~ as determined
8 by the government accountability board.

9 SECTION 2. 19.42 (13) (on) of the statutes is created to read:

10 19.42 (13) (on) The following positions on the staff of the Wisconsin Economic
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13 ~~and community development, business and industry development, business climate~~
14 ~~and marketing, international development, and marketing and public affairs~~ or any
15 similar positions created by the board of directors ~~of the corporation,~~ as determined
16 by the government accountability board.

17 SECTION 3. 238.03 (4) of the statutes is created to read:

18 238.03 (4) The board shall maintain on its staff the positions of chief
19 operational officer, chief legal counsel, chief financial officer, and ^{such} vice presidents ~~for~~
20 ~~entrepreneurship and innovation, economic and community development, business~~

BILL

1 ~~and industry development, business climate and marketing, international~~
2 ~~development, and marketing and public affairs.~~ *as the board may designate*

3

(END)

Godwin, Gigi

From: Knickelbine, Mark
Sent: Tuesday, January 03, 2012 9:45 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-2379/4 Topic: Certain WEDC positions covered under statutory code of ethics

Please Jacket LRB 11-2379/4 for the SENATE.