



2011 ASSEMBLY BILL 621

February 23, 2012 - Introduced by Representatives POCAN, BERCEAU, BERNARD SCHABER, GRIGSBY, JORGENSEN, PASCH, POPE-ROBERTS, ROYS, SINICKI and C. TAYLOR, cosponsored by Senators C. LARSON, RISSER, T. CULLEN, TAYLOR and LASSA. Referred to Committee on Assembly Organization.

1 **AN ACT to amend** 13.62 (8), 13.62 (10), 19.56 (2) (a) and 19.579 (1); and **to create**
2 13.123 (4) and 19.56 (2m) of the statutes; **relating to:** attempts to influence
3 action upon model or similar proposed legislation, prohibiting the expending of
4 certain moneys by members of the legislature, and reporting by certain persons
5 providing or state public officials receiving certain things of value for
6 scholarship purposes.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, a principal (person who employs a lobbyist) must register and file semiannual itemized expense statements with the Government Accountability Board (GAB). A lobbyist is a person who is retained by a principal and whose duties include attempting to influence state legislative action or rule making by oral or written communication, on behalf of the principal, with an elective state official, agency official, or legislative employee in this state.

Subject to the current exceptions, this bill requires registration and the filing of expense statements, in addition, by a principal who attempts to influence the development, drafting, consideration, modification, adoption, rejection, or defeat of uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states by oral or written communication with any person who is a member, employee, or agent of a body that proposes uniform, model, suggested, or recommended legislation for consideration by the legislatures of this

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state and other states. Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation. A principal filing a statement that the principal does not believe is true is guilty of a felony and may be fined not more than \$10,000 or imprisoned for not more than six years, or both.

Currently, with certain exceptions, each state public official who is required to file an annual statement of economic interests with GAB and who receives for a published work or for the presentation of a talk or participation in a meeting, any thing of pecuniary value exceeding a total of \$50, excluding the value of food or beverages offered coincidentally with a talk or meeting, must report, on his or her statement, the identity of every person from whom the official receives the thing of value, the circumstances under which it is received, and the approximate value thereof.

The bill specifically extends this reporting requirement to each state public official who is required to file statements of economic interests and who receives for attendance at a meeting or conference any thing of pecuniary value for scholarship purposes and requires statements concerning things of value received to indicate whether a thing of value was received for scholarship purposes.

The bill also requires each person who provides any thing of value to a member of the legislature for scholarship purposes to file a report with GAB, in the manner and form specified by GAB, within 90 days after the thing of value is provided, disclosing the name of each member who received the thing of value together with the name of any legislative employee or state agency official who received any thing of value in connection with the same transaction or occurrence, the date that the thing of value was provided, and the names of any persons who contributed money to the person for the purpose of providing the thing of value within the 12-month period preceding the date on which the thing of value is provided. Currently, there is no similar requirement.

Violators of either of the above reporting requirements are subject to a forfeiture of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment for not more than one year, or both.

Finally, the bill prohibits any member of the legislature from expending any moneys allocated for the operation of his or her office for membership fees in any organization that proposes uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states.

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.

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

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1 13.123 (4) PAYMENT OF MEMBERSHIP FEES TO CERTAIN ORGANIZATIONS. No member
2 of the legislature may expend any moneys allocated for the operation of his or her
3 office for membership fees in any organization that proposes uniform, model,
4 suggested, or recommended legislation for consideration by the legislatures of this
5 state and other states.

6 **SECTION 2.** 13.62 (8) of the statutes is amended to read:

7 13.62 (8) “Legislative action” means the development, drafting, introduction,
8 consideration, modification, adoption, rejection, review, enactment or defeat of any
9 bill, resolution, amendment, report, nomination, proposed administrative rule or
10 other matter by the legislature or by either house or any committee, subcommittee,
11 joint or select committee thereof, or by a legislator or employee of the legislature
12 acting in an official capacity. “Legislative action” also means the action of the
13 governor in approving or vetoing any bill or portion thereof, and the action of the
14 governor or any agency in the development of a proposal for introduction in the
15 legislature. “Legislative action” also includes the development, drafting,
16 consideration, modification, adoption, rejection, or defeat of uniform, model,
17 recommended, or suggested legislation by any body that recommends proposed
18 legislation for consideration by the legislatures of this state and other states.

19 **SECTION 3.** 13.62 (10) of the statutes is amended to read:

20 13.62 (10) “Lobbying” means the practice of attempting to influence legislative
21 or administrative action by oral or written communication with any elective state
22 official, agency official or legislative employee, and includes time spent in
23 preparation for such communication and appearances at public hearings or meetings
24 or service on a committee in which such preparation or communication occurs.
25 “Lobbying” also includes the practice of attempting to influence legislative action by

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1 oral or written communication with any person who is a member, employee, or agent
2 of a body that proposes uniform, model, suggested, or recommended legislation for
3 consideration by the legislatures of this state and other states.

4 **SECTION 4.** 19.56 (2) (a) of the statutes is amended to read:

5 19.56 (2) (a) Except as provided in par. (b), every official required to file who
6 receives for a published work or for the presentation of a talk or participation in a
7 meeting, any lodging, transportation, money or other thing with a combined
8 pecuniary value exceeding \$50 excluding the value of food or beverage offered
9 coincidentally with a talk or meeting and every official required to file who receives
10 for attendance at a meeting or conference any thing of pecuniary value for
11 scholarship purposes shall, on his or her statement of economic interests, report the
12 identity of every person from whom the official receives such lodging, transportation,
13 money or other thing during his or her preceding taxable year, the circumstances
14 under which it was received and, the approximate value thereof, and whether the
15 thing of value was received for scholarship purposes.

16 **SECTION 5.** 19.56 (2m) of the statutes is created to read:

17 19.56 (2m) Each person who provides any thing of value to a member of the
18 legislature for scholarship purposes shall file a report with the board, in the manner
19 and form specified by the board, within 90 days after the thing of value is provided,
20 disclosing the name of each member who received the thing of value together with
21 the name of any legislative employee or agency official who received any thing of
22 value in connection with the same transaction or occurrence, the date that the thing
23 of value was provided, and the names of any persons who contributed money to the
24 person for the purpose of providing the thing of value within the 12-month period
25 preceding the date on which the thing of value is provided.

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1 **SECTION 6.** 19.579 (1) of the statutes is amended to read:

2 19.579 (1) Except as provided in sub. (2), any person who violates this
3 subchapter may be required to forfeit not more than \$500 for each violation of s.
4 19.43, 19.44, or 19.56 (2) or (2m) or not more than \$5,000 for each violation of any
5 other provision of this subchapter. If the court determines that the accused has
6 realized economic gain as a result of the violation, the court may, in addition, order
7 the accused to forfeit the amount gained as a result of the violation. In addition, if
8 the court determines that a state public official has violated s. 19.45 (13), the court
9 may order the official to forfeit an amount equal to the amount or value of any
10 political contribution, service, or other thing of value that was wrongfully obtained.
11 If the court determines that a state public official has violated s. 19.45 (13) and no
12 political contribution, service or other thing of value was obtained, the court may
13 order the official to forfeit an amount equal to the maximum contribution authorized
14 under s. 11.26 (1) for the office held or sought by the official, whichever amount is
15 greater. The attorney general, when so requested by the board, shall institute
16 proceedings to recover any forfeiture incurred under this section which is not paid
17 by the person against whom it is assessed.

18 **SECTION 7. Initial applicability.**

19 (1) The treatment of section 13.62 (8) and (10) of the statutes first applies with
20 respect to lobbying that occurs on the first day of the 2nd month beginning after the
21 effective date of this subsection.

22 (2) The treatment of section 19.56 (2) (a) of the statutes first applies with
23 respect to things of value received on the effective date of this subsection.

