

State of Wisconsin



2013 Assembly Bill 214

Date of enactment: **July 5, 2013**
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2013 WISCONSIN ACT 28

AN ACT *to renumber and amend* 227.50 (1) (c), 227.50 (1) (d) and 227.50 (1) (e); *to consolidate, renumber and amend* 227.50 (1) (a) 1. and (b); *to amend* 227.50 (1) (a) (intro.); and *to create* 227.50 (1) (am) 4. of the statutes; **relating to:** ex parte communications in contested cases before the Public Service Commission.

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

SECTION 1. 227.50 (1) (a) (intro.) of the statutes is amended to read:

227.50 (1) (a) (intro.) ~~It~~ Except as provided in par. (am), in a contested case, no ex parte communication relative to the merits or a threat or offer of reward shall be made, before a decision is rendered, to the hearing examiner or any other official or employee of the agency who is involved in the decision-making process, by any of the following:

SECTION 2. 227.50 (1) (a) 1. and (b) of the statutes are consolidated, renumbered 227.50 (1) (a) 1m. and amended to read:

227.50 (1) (a) 1m. An official of the agency or any other public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter; ~~or (b) Paragraph (a) 1.~~ This subdivision does not apply to an advisory staff which does not participate in the proceeding.

SECTION 3. 227.50 (1) (am) 4. of the statutes is created to read:

227.50 (1) (am) 4. In a contested case before the public service commission, an ex parte communication by or

to any official or employee of the commission other than the hearing examiner or a commissioner.

SECTION 4. 227.50 (1) (c) of the statutes is renumbered 227.50 (1) (am) (intro.) and amended to read:

227.50 (1) (am) (intro.) ~~This subsection~~ Paragraph (a) does not apply to ~~an~~ any of the following:

1. An ex parte communication which is authorized or required by statute.

SECTION 5. 227.50 (1) (d) of the statutes is renumbered 227.50 (1) (am) 2. and amended to read:

227.50 (1) (am) 2. ~~This subsection does not apply to an~~ An ex parte communication by an official or employee of an agency which is conducting a class 1 proceeding.

SECTION 6. 227.50 (1) (e) of the statutes is renumbered 227.50 (1) (am) 3. and amended to read:

227.50 (1) (am) 3. ~~This subsection does not apply to any~~ Any communication made to an agency in response to a request by the agency for information required in the ordinary course of its regulatory functions by rule of the agency.

SECTION 7. Initial applicability.

(1) This act first applies to ex parte communications made on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."