

2013 DRAFTING REQUEST

Bill

Received: 3/14/2013 Received By: fknepp
 Wanted: As time permits Same as LRB:
 For: Joseph Leibham (608) 266-2056 By/Representing: Eileen Schoenfeldt
 May Contact: Drafter: fknepp
 Subject: Econ. Development - misc. Addl. Drafters:
 Ethics Extra Copies:

Submit via email: YES
 Requester's email: Sen.Leibham@legis.wisconsin.gov
 Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Conflict of interest provision for WEDC employees

Instructions:

See attached

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>
/1	rchampag 4/29/2013	jdye 4/29/2013	rschlue 4/29/2013	_____	lparisi 3/14/2013	lparisi 3/14/2013	
/2				_____	sbasford 4/29/2013	sbasford 4/29/2013	

FE Sent For:

→ Not Needed

<END>

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/2				_____	sbasford 4/29/2013		

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/1	fknepp 3/14/2013	jdyer 3/14/2013	jfrantze 3/14/2013	_____	lparisi 3/14/2013	lparisi 3/14/2013	

Tablet for Senate

FE Sent For:

2/4/29 jld
4/2/13

<END>

2013 DRAFTING REQUEST

Bill

Received: 3/14/2013 Received By: fknepp
 Wanted: As time permits Same as LRB: -1852
 For: Governor By/Representing: Eileen Schoenfeldt
 May Contact: Drafter: fknepp
 Subject: Econ. Development - misc. Addl. Drafters:
 Ethics Extra Copies:

Submit via email: YES
 Requester's email: Eileen.Schoenfeldt@wisconsin.gov
 Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Conflict of interest provision for WEDC employees

Instructions:

See attached

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>
/1	fknepp 3/14/2013	jdye 3/14/2013	jfrantze 3/14/2013	_____	lparisi 3/14/2013	lparisi 3/14/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 3/14/2013

Received By: fknepp

Wanted: As time permits

Same as LRB: -1852

For: Governor

By/Representing: Eileen Schoenfeldt

May Contact:

Drafter: fknepp

Subject: Econ. Development - misc.
Ethics

Addl. Drafters:

Extra Copies:

Submit via email: YES
Requester's email: Eileen.Schoenfeldt@wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov

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No specific pre topic given

Topic:

Conflict of interest provision for WEDC employees

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>S</u>
/1	fknepp	1 ³ / ₁₄ jld	Jb	<u>3/14</u>	

Please Janel
for the
Senate

FE Sent For:

<END>

Knepp, Fern

From: Schoenfeldt, Eileen - GOV <Eileen.Schoenfeldt@wisconsin.gov>
Sent: Thursday, March 14, 2013 10:44 AM
To: Knepp, Fern
Subject: RE: WEDC conflicts of interest bill
Attachments: 13-1852_P2.pdf

Fern -

This version looks good. Can I please get it jacketed for both houses? Thanks!

Eileen

From: Knepp, Fern [<mailto:Fern.Knepp@legis.wisconsin.gov>]
Sent: Monday, March 11, 2013 1:30 PM
To: Schoenfeldt, Eileen - GOV
Subject: RE: WEDC conflicts of interest bill

Sounds good. Thanks.

From: Schoenfeldt, Eileen - GOV [<mailto:Eileen.Schoenfeldt@wisconsin.gov>]
Sent: Monday, March 11, 2013 1:29 PM
To: Knepp, Fern
Subject: RE: WEDC conflicts of interest bill

Fern -

Could you please call Hannah Renfro. She is the Legal Counsel at WEDC. Her number is 210-6705. She will be able to clarify the intent. Thanks!

Eileen

From: Knepp, Fern [<mailto:Fern.Knepp@legis.wisconsin.gov>]
Sent: Monday, March 11, 2013 10:24 AM
To: Schoenfeldt, Eileen - GOV
Subject: WEDC conflicts of interest bill

Eileen:

You should receive the bill draft related to conflicts of interest for WEDC employees today.

Fern

Fern F. Knepp

Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037

(608) 261-6927

fern.knepp@legis.wisconsin.gov



LPS - FROM VERSIONS

2013 LRB-

1852/P2



LRB-1852/P2

FFK:jld:jf

1905/

Companion

RMR

TODAY
please

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Sorry!

2013 BILL

LRB
-1852
Became
2013
AB 179

X Regen

- 1 AN ACT to create 238.045 of the statutes; relating to: private interests in
- 2 Wisconsin Economic Development Corporation contracts.

Analysis by the Legislative Reference Bureau

Under current law, it is a felony for a public officer or public employee to, in the officer's or employee's private capacity, negotiate, bid for, or enter into a contract in which the officer or employee has a private pecuniary interest if, at the same time the officer or employee is authorized to participate, in his or her public capacity, in the making of the contract or to exercise a discretionary official function related to the contract. Current law also prohibits a state public official, including a member of the board of directors (board) of the Wisconsin Economic Development Corporation (WEDC), from taking any official action that substantially affects a matter in which the state public official has a substantial financial interest.

Under this bill, a member of the board or a WEDC employee to whom the board delegates its authority to contract must notify the board if the member or employee has private pecuniary interest in a contract that is being negotiated, bid for, or entered into with WEDC. The bill further provides that a member of the board or a WEDC employee who notifies the board that he or she has such a private pecuniary interest in a contract is not authorized to participate, in his or her public capacity, in the making of the contract or to exercise an official function that requires the exercise of discretion in regard to the contract.

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

1 SECTION 1. 238.045 of the statutes is created to read:

2 **238.045 Private interest in public contract.** A member of the board or an
 3 employee of the corporation to whom the board delegates its authority to contract
 4 shall notify the board if the member or employee has a direct or indirect, private,
 5 pecuniary interest in a contract that is being negotiated, bid for, or entered into with
 6 the corporation. A member or employee who notifies the board under this section is
 7 not authorized to participate in the member's or employee's capacity as a member of
 8 the board or an employee of the corporation in the making of the contract or to
 9 perform in regard to the contract some official function requiring the exercise of
 10 discretion on the member's or employee's part.

11 ~~****Note: The language about performing an official function that requires the
 exercise of discretion is from s. 946.13 (1) (a). If you wanted to restrict this bill only to the
 making of a contract, please let me know and I will remove that language.~~

(END)

Remove hidden 4 star note

(LPS: Please turn on hidden, delete the note, then
 turn off hidden again)

Champagne, Rick

From: Schoenfeldt, Eileen - GOV <Eileen.Schoenfeldt@wisconsin.gov>
Sent: Friday, April 26, 2013 9:32 AM
To: Champagne, Rick
Cc: Moench, Lucas
Subject: FW: WEDC conflicts of interest bill

Rick – please see below. I just want to transfer the drafting file of LRB 1905 to Senator Leibham’s office. Thanks!

Eileen Schoenfeldt
Policy Advisor
Office of Governor Scott Walker
(608) 261-2163
eileen.schoenfeldt@wisconsin.gov

From: Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]
Sent: Friday, April 26, 2013 9:31 AM
To: Schoenfeldt, Eileen - GOV
Cc: Moench, Lucas - LEGIS
Subject: RE: WEDC conflicts of interest bill

Eileen: I hate to pass the buck on you, but Rick Champagne is handling this draft in Fern’s absence. You should contact him. He is much more familiar with the draft than I am.

Thanks.

Mike

Mike Gallagher
Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Schoenfeldt, Eileen - GOV [<mailto:Eileen.Schoenfeldt@wisconsin.gov>]
Sent: Friday, April 26, 2013 9:27 AM
To: Gallagher, Michael
Cc: Moench, Lucas
Subject: FW: WEDC conflicts of interest bill

Michael -

I received Fern’s out of office reply, so I’m forwarding this to you.

Eileen

From: Schoenfeldt, Eileen - GOV
Sent: Friday, April 26, 2013 9:24 AM
To: Knepp, Fern - LEGIS
Cc: Moench, Lucas - LEGIS (Lucas.Moench@legis.wisconsin.gov)
Subject: RE: WEDC conflicts of interest bill

Fern –

I'd like to also transfer LRB 1905 to Senator Leibham. Lucas will be contacting you for an updated draft and jacket. Thanks!

Eileen

From: Knepp, Fern [<mailto:Fern.Knepp@legis.wisconsin.gov>]
Sent: Monday, April 08, 2013 3:55 PM
To: Schoenfeldt, Eileen - GOV
Subject: RE: WEDC conflicts of interest bill

Eileen-

I heard from Representative Stone's office regarding LRB-1852. I will transfer this file to his office unless I hear otherwise from you.

Thanks,
Fern

From: Schoenfeldt, Eileen - GOV [<mailto:Eileen.Schoenfeldt@wisconsin.gov>]
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Subject: WEDC conflicts of interest bill

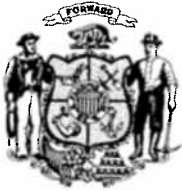
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You should receive the bill draft related to conflicts of interest for WEDC employees today.

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2013 BILL

1 AN ACT *to create* 238.045 of the statutes; **relating to:** private interests in
2 Wisconsin Economic Development Corporation contracts.

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Under current law, it is a felony for a public officer or public employee to, in the officer's or employee's private capacity, negotiate, bid for, or enter into a contract in which the officer or employee has a private pecuniary interest if, at the same time the officer or employee is authorized to participate, in his or her public capacity, in the making of the contract or to exercise a discretionary official function related to the contract. Current law also prohibits a state public official, including a member of the board of directors (board) of the Wisconsin Economic Development Corporation (WEDC), from taking any official action that substantially affects a matter in which the state public official has a substantial financial interest.

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

Champagne, Rick

From: Moench, Lucas
Sent: Friday, April 26, 2013 3:08 PM
To: Champagne, Rick; Schoenfeldt, Eileen - GOV
Subject: RE: WEDC conflicts of interest bill

Rick-

Could I please get LRB 1905/1 redrafted as a /2 to mirror the language in LRB 1852/3? I will send my jacket for the /1 back to LRB. Once the /2 is complete, please JACKET FOR SENATE.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056

From: Champagne, Rick
Sent: Friday, April 26, 2013 9:45 AM
To: Schoenfeldt, Eileen - GOV
Cc: Moench, Lucas
Subject: RE: WEDC conflicts of interest bill

Got it. I will transfer file to Sen. Leibham.

From: Schoenfeldt, Eileen - GOV [<mailto:Eileen.Schoenfeldt@wisconsin.gov>]
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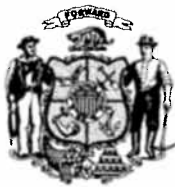
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Fern

Fern F. Knepp

Legislative Attorney
Wisconsin Legislative Reference Bureau
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Madison, WI 53701-2037
(608) 261-6927
fern.knepp@legis.wisconsin.gov

* LPS - FROM 2013 LRB-1852/3 *



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1852/3
RAC&FFK:jld:rs

Today

2013 ASSEMBLY BILL 179

LRB-1905/2
RAC&FFK:jil

April 26, 2013 - Introduced by Representatives STONE and BARCA, cosponsored by Senators LEIBHAM and LASSA. Referred to Committee on Small Business Development.

lx

- refer cat

1 AN ACT to create 238.045 of the statutes; relating to: private interests in
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Under current law, it is a felony for a public officer or public employee to, in the officer's or employee's private capacity, negotiate, bid for, or enter into a contract in which the officer or employee has a private pecuniary interest if, at the same time the officer or employee is authorized to participate, in his or her public capacity, in the making of the contract or to exercise a discretionary official function related to the contract. Current law also prohibits a state public official, including a member of the board of directors (board) of the Wisconsin Economic Development Corporation (WEDC), from taking any official action that substantially affects a matter in which the state public official has a substantial financial interest.

Under this bill, if a member of the board or a WEDC employee to whom the board delegates its authority to contract has a private pecuniary interest in a contract that is being negotiated, bid for, or entered into with WEDC, the member or employee must notify WEDC's legal counsel or chief executive officer who must then notify the board. The bill further provides that a member of the board or a WEDC employee who notifies WEDC's legal counsel or chief executive officer that he or she has such a private pecuniary interest in a contract is not authorized to participate, in his or her public capacity, in the making of the contract or to exercise an official function that requires the exercise of discretion in regard to the contract.

In addition, under this bill, if a WEDC employee has a controlling interest in an entity that is negotiating, bidding for, or entering into a contract with WEDC, the

ASSEMBLY BILL 179

employee must notify WEDC's legal counsel or chief executive officer who must then notify the board. The bill provides that the board must prohibit WEDC from entering into any contract with an entity in which a WEDC employee has a controlling interest.

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

1 **SECTION 1.** 238.045 of the statutes is created to read:

2 **238.045 Private interest in public contract.** (1) A member of the board
3 or an employee of the corporation to whom the board delegates its authority to
4 contract shall notify the corporation's legal counsel or, if the corporation's legal
5 counsel is unavailable, the chief executive officer of the corporation if the member or
6 employee has a direct or indirect, private, pecuniary interest in a contract that is
7 being negotiated, bid for, or entered into with the corporation. If the corporation's
8 legal counsel or chief executive officer is notified under this section, he or she shall
9 report the name of the individual from whom he or she received the notification and
10 the contract in which the individual has a private, pecuniary interest to the board.
11 A member or employee who notifies the corporation's legal counsel or chief executive
12 officer under this section is not authorized to participate in the member's or
13 employee's capacity as a member of the board or an employee of the corporation in
14 the making of the contract or to perform in regard to the contract some official
15 function requiring the exercise of discretion on the member's or employee's part.

16 (2) An employee of the corporation shall notify the corporation's legal counsel
17 or, if the corporation's legal counsel is unavailable, the chief executive officer of the
18 corporation if the employee has a controlling interest in an entity that is negotiating,
19 bidding for, or entering into a contract with the corporation. If the corporation's legal
20 counsel or chief executive officer is notified under this section, he or she shall report

ASSEMBLY BILL 179

1 the name of the individual from whom he or she received the notification and the
2 contract at issue to the board. The board shall prohibit the corporation from entering
3 into any contract with an entity in which an employee of the corporation has a
4 controlling interest.

5 (END)

Barman, Mike

From: Moench, Lucas
Sent: Monday, April 29, 2013 8:09 AM
To: LRB.Legal
Subject: Draft Review: LRB -1905/2 Topic: Conflict of interest provision for WEDC employees

Please Jacket LRB -1905/2 for the SENATE.