

2013 Assembly Bill 214 (LRB -2271)

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.

2013

05-20.	A.	Introduced by Representative Honadel ; cosponsored by Senator Farrow .	187
05-20.	A.	Read first time and referred to Committee on Energy and Utilities	187
05-28.	A.	Public hearing held	
05-30.	A.	Executive action taken	
05-31.	A.	Report passage recommended by Committee on Energy and Utilities, Ayes 10, Noes 0	195
05-31.	A.	Referred to Committee on Rules	195
06-04.	A.	Placed on calendar 6-6-2013 by Committee on Rules	
06-06.	A.	Read a second time	205
06-06.	A.	Ordered to a third reading	205
06-06.	A.	Rules suspended	205
06-06.	A.	Read a third time and passed	205
06-06.	A.	Ordered immediately messaged	205
06-07.	S.	Received from Assembly	
06-07.	S.	Read first time and referred to committee on Senate Organization	
06-07.	S.	Available for scheduling	
06-10.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2	
06-10.	S.	Placed on calendar 6-11-2013 pursuant to Senate Rule 18(1)	
06-11.	S.	Read a second time	
06-11.	S.	Ordered to a third reading	
06-11.	S.	Rules suspended	
06-11.	S.	Read a third time	
06-11.	S.	Refused to refer to committee on Government Operations, Public Works, and Telecommunications, Ayes 15, Noes 17	
06-11.	S.	Concurred in	
06-11.	S.	Ordered immediately messaged	
06-12.	A.	Received from Senate concurred in	

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

13 -2274

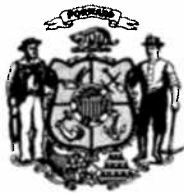
Amendments to above (if none, write "NONE"): NONE

Corrections - show date (if none, write "NONE"): NONE

Topic Rel

6-13-13
Date


Enrolling Drafter



2013 ASSEMBLY BILL 214

May 20, 2013 - Introduced by Representative HONADEL, cosponsored by Senator FARROW. Referred to Committee on Energy and Utilities.

1 **AN ACT to renumber and amend** 227.50 (1) (c), 227.50 (1) (d) and 227.50 (1) (e);
2 **to consolidate, renumber and amend** 227.50 (1) (a) 1. and (b); **to amend**
3 227.50 (1) (a) (intro.); and **to create** 227.50 (1) (am) 4. of the statutes; **relating**
4 **to:** ex parte communications in contested cases before the Public Service
5 Commission.

Analysis by the Legislative Reference Bureau

Current law prohibits certain ex parte communications in contested cases, which are state agency proceedings that affect the substantial interest of a party. An ex parte communication is one that is made without the knowledge of all of the parties. An ex parte communication in a contested case is subject to the prohibition if it is made before a decision is rendered and it is either: 1) relative to the merits; or 2) a threat or offer of reward. If the prohibition applies, the following are prohibited from making an ex parte communication to either the hearing examiner or any other official or employee of the state agency who is involved in the decision-making process: 1) a state agency official or any other public employee or official engaged in prosecution or advocacy regarding the matter or a related matter; 2) a party to the proceeding; 3) any person with a substantial interest in the proposed agency action; and 4) an authorized representative or counsel. Current law specifies several exceptions to the prohibition.

This bill creates an additional exception to the prohibition that applies only in contested cases before the Public Service Commission (PSC). In such contested

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cases, the bill provides that the prohibition does not apply to an ex parte communication by or to any PSC official or employee other than the hearing examiner or the PSC commissioners.

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

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

2 227.50 (1) (a) (intro.) ~~In~~ Except as provided in par. (am), in a contested case,
3 no ex parte communication relative to the merits or a threat or offer of reward shall
4 be made, before a decision is rendered, to the hearing examiner or any other official
5 or employee of the agency who is involved in the decision-making process, by any of
6 the following:

7 **SECTION 2.** 227.50 (1) (a) 1. and (b) of the statutes are consolidated, renumbered
8 227.50 (1) (a) 1m. and amended to read:

9 227.50 (1) (a) 1m. An official of the agency or any other public employee or
10 official engaged in prosecution or advocacy in connection with the matter under
11 consideration or a factually related matter; ~~or (b) Paragraph (a) 1.~~ This subdivision
12 does not apply to an advisory staff which does not participate in the proceeding.

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

14 227.50 (1) (am) 4. In a contested case before the public service commission, an
15 ex parte communication by or to any official or employee of the commission other
16 than the hearing examiner or a commissioner.

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

19 227.50 (1) (am) (intro.) ~~This subsection~~ Paragraph (a) does not apply to an any
20 of the following:

