2021 SENATE BILL 719

November 19, 2021 - Introduced by Senator BERNIER, cosponsored by Representatives WICHGERS, CABRAL-GUEVARA, MURPHY and SPIROS. Referred to Committee on Elections, Election Process Reform and Ethics.

AN ACT to repeal 13.625 (1) (d), 13.625 (7) and 13.685 (7); to renumber and amend 13.625 (1) (b), 13.625 (2), 13.625 (4), 13.625 (5), 13.625 (6), 13.625 (6g) (a), 13.625 (6g) (b), 13.625 (6r), 13.625 (6s), 13.625 (6t), 13.625 (8), 13.625 (8m), 13.625 (9) and 13.625 (10); to consolidate, renumber and amend 13.625 (1) (intro.) and (a); to amend 13.625 (1m) (a) (intro.), 13.625 (1m) (b) (intro.), 13.625 (3), 13.63 (1) (a), 13.68 (1) (d), 13.68 (6), 13.695 (4) and 19.45 (3m); and to create 13.621 (7), 19.42 (7w) (f), 19.55 (2) (dm) and 19.56 (3) (bm) of the statutes; relating to: changes to the lobbying laws, including changes recommended by the Ethics Commission.

Analysis by the Legislative Reference Bureau

The bill reorganizes the statutes prohibiting and permitting certain activities by lobbyists and principals, and by candidates and elected officials who interact with lobbyists and principals. The bill also eliminates a requirement that the Ethics Commission regularly, during the course of a legislative session, give reports to the legislature that provide information about licensed lobbyists, principals, and their lobbying activities.

Under current law, no lobbyist or principal may give to a state official, legislative employee, or candidate for state office lodging, transportation, food,
meals, beverages, or any other thing of value. However, a principal may give something of value to such persons if that thing of value is also made available to the general public. Current law defines a “principal” as any person who employs a lobbyist.

Under current law, every state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups, and other gatherings to discuss and interpret legislative, administrative, executive, or judicial processes, proposals, and issues. Consistent with that provision, the bill allows an agency official, an elected state public official, or a legislative employee to attend a meeting with such groups for the purposes specified under current law without paying the cost of admission. However, under the bill, the person may not receive food, beverages, or other items included in the cost of admission unless the person pays the event organizer, including a principal or lobbyist, for the actual cost of the food, beverages, or items.

Under current law, the code of ethics for public officials applies not only to state public officials, but also to certain local public officials such as an elected official of a local governmental unit, a county administrator, and a city or village manager. Under the bill, the code of ethics for public officials applies also to a school district administrator. Current law defines “school district administrator” as the school district superintendent, supervising principal, or other person who acts as the administrative head of a school district.

Finally, the bill makes a technical change by substituting the term “give” with the term “furnish.” The term was changed from “furnish” to “give” by 2015 Wisconsin Act 117, but that change is not consistent with the use of the term “furnish” throughout the current lobbying law.

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

SECTION 1. 13.621 (7) of the statutes is created to read:

13.621 (7) Participation in events; public official outreach. (a) An agency official, an elective state official, or a legislative employee may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in s. 19.56 (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work, including a principal or lobbyist.
(b) An agency official, an elective state official, or a legislative employee may attend a meeting with clubs, conventions, special interest groups, political groups, school groups, and other gatherings, without paying admission costs, to discuss and to interpret legislative, administrative, executive, or judicial processes and proposals and issues initiated by or affecting the state legislature, state government, a department, or the judicial branch. An agency official, an elective state official, or a legislative employee may not receive food, beverages, or other items included in the cost of admission unless the person pays the event organizer, including a principal or lobbyist, for the actual cost of the food, beverages, or items.

SECTION 2. 13.625 (1) (intro.) and (a) of the statutes are consolidated, renumbered 13.625 (1) and amended to read:

13.625 (1) No lobbyist may: (a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto to such action or contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

SECTION 3. 13.625 (1) (b) of the statutes is renumbered 13.625 (1g), and 13.625 (1g) (intro.), as renumbered, is amended to read:

13.625 (1g) (intro.) Give No lobbyist or principal may furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the candidate committee of the official, employee, or candidate:

SECTION 4. 13.625 (1) (d) of the statutes is repealed.

SECTION 5. 13.625 (1m) (a) (intro.) of the statutes is amended to read:

13.625 (1m) (a) (intro.) Except as provided in par. (b), a no lobbyist or principal may not do any of the following:
**SECTION 6.** 13.625 (1m) (b) (intro.) of the statutes is amended to read:

13.625 (1m) (b) (intro.) A lobbyist or principal may make a personal contribution to a partisan elective state official or candidate for partisan elective state office or to the candidate committee of the official or candidate between the first day authorized by law for the circulation of nomination papers as a candidate at a general election or special election and the day of the general election or special election, except that:

**SECTION 7.** 13.625 (2) of the statutes is renumbered 13.625 (4m) (a) and amended to read:

13.625 (4m) (a) No principal may engage in the practices prohibited under subs. (1) (b) and (1m). This subsection does not apply to the furnishing of Notwithstanding sub. (1g), the furnishing by a principal of transportation, lodging, food, meals, beverages, or any other thing of pecuniary value which that is also made available to the general public.

**SECTION 8.** 13.625 (3) of the statutes is amended to read:

13.625 (3) No candidate for an elective state office, elective state official, agency official, or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1) (b), (2), (4), (5), (6), (7), (8) and (9) this section or s. 13.621. No candidate committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b), (3), (1m), (2), and (6) this section or s. 13.621.

**SECTION 9.** 13.625 (4) of the statutes is renumbered 13.625 (4m) (intro.) and amended to read:
13.625 (4m) (intro.) Subsections (1) (b) and (3) do This section does not apply to the compensation or furnishing any of the following:

(b) Compensation paid or the furnishing of employee benefits by a principal to an employee who is a candidate for an elective state office but who does not hold such an office if the employee is neither an agency official nor legislative employee, and if the principal or employee can demonstrate by clear and convincing evidence that the principal’s employment of the employee and the compensation and employee benefits paid to the employee are unrelated to the candidacy. If the employee was employed by the principal prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employee benefits, except as provided by a preexisting employment agreement, it is rebuttably presumed that the employment and compensation and benefits paid are unrelated to the candidacy.

SECTION 10. 13.625 (5) of the statutes is renumbered 13.625 (4m) (c) and amended to read:

13.625 (4m) (c) This section does not apply to food, meals, beverages, or entertainment provided by the governor when acting in an official capacity.

SECTION 11. 13.625 (6) of the statutes is renumbered 13.625 (4m) (d) and amended to read:

13.625 (4m) (d) Subsections (1) (b), (1m), (2), and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual, lobbyist or principal or to an individual who resides in the same household as the individual, nor to lobbyist or principal or the
receipt of anything of pecuniary value by that relative or individual residing in the
same household as the individual lobbyist or principal.

SECTION 12. 13.625 (6g) (a) of the statutes is renumbered 13.625 (4m) (e) and
amended to read:

13.625 (4m) (e) Subsections (1) (b) and (3) do not apply to the furnishing
of anything of pecuniary value by a principal that is a local governmental unit to a
legislative official or an agency official who is an elected official of that local
governmental unit, or to the solicitation or acceptance thereof by such a legislative
official or agency official, in an amount not exceeding the amount furnished to other
similarly situated elected officials of the same local governmental unit.

SECTION 13. 13.625 (6g) (b) of the statutes is renumbered 13.625 (4m) (f) and
amended to read:

13.625 (4m) (f) Subsections (1) (b) and (3) do not apply to the furnishing
of a per diem or reimbursement for actual and reasonable expenses by a principal
that is a local governmental unit to a legislative official or an agency official who is
an appointed official of that local governmental unit, or to the solicitation or
acceptance thereof by such a legislative official or agency official, in an amount not
exceeding the amount furnished to other similarly situated appointed officials of the
same local governmental unit.

SECTION 14. 13.625 (6r) of the statutes is renumbered 13.625 (4m) (g) and
amended to read:

13.625 (4m) (g) Subsections (1) (b), (1m), and (3) do not apply to the furnishing
of anything of pecuniary value by a lobbyist or principal to an employee
of that lobbyist or principal who is a legislative official or an agency official solely
because of membership on a state commission, board, council, committee, or similar
body if the thing of pecuniary value is not in excess of that customarily provided by
the employer to similarly situated employees and if the legislative official or agency
official receives no compensation for his or her services other than a per diem or
reimbursement for actual and necessary expenses incurred in the performance of his
or her duties, nor to or the receipt of anything of pecuniary value by that legislative
official or agency official under those circumstances.

**SECTION 15.** 13.625 (6s) of the statutes is renumbered 13.625 (4m) (h) and
amended to read:

13.625 (4m) (h) Subsections (1) (b) and (3) do not apply to the furnishing
of anything of pecuniary value by a principal to an officer or employee of the
University of Wisconsin System, or the solicitation or acceptance thereof by such an
officer or employee, for service as a member of the governing body of the principal,
in an amount not exceeding the amount furnished to other members of the governing
body for the same service.

**SECTION 16.** 13.625 (6t) of the statutes is renumbered 13.625 (4m) (i) and
amended to read:

13.625 (4m) (i) Subsections (1) (b), (2) and (3) do not apply to the furnishing
of educational or informational material by a lobbyist or principal to an elected state
official, legislative official, or agency official, or acceptance thereof by an elected state
official, legislative official, or agency official.

**SECTION 17.** 13.625 (7) of the statutes is repealed.

**SECTION 18.** 13.625 (8) of the statutes is renumbered 13.625 (4m) (k) and
amended to read:
13.625 (4m) (k) Subsection (3) does not apply to the solicitation of anything of pecuniary value for the benefit of the endangered resources program, as defined in s. 71.10 (5) (a) 2., by an agency official who administers the program.

**SECTION 19.** 13.625 (8m) of the statutes is renumbered 13.625 (4m) (L) and amended to read:

13.625 (4m) (L) Subsection (3) does not apply to the solicitation of anything of pecuniary value to pay the costs of remediating environmental contamination, as defined in s. 292.51 (1), by an agency official of the department of natural resources.

**SECTION 20.** 13.625 (9) of the statutes is renumbered 13.625 (4m) (m) and amended to read:

13.625 (4m) (m) This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the Wisconsin Economic Development Corporation, or to the furnishing by a principal furnishing of anything of pecuniary value to the Wisconsin Economic Development Corporation, under s. 19.56 (3) (e) or (f) for the activities specified in s. 19.56 (3) (e).

**SECTION 21.** 13.625 (10) of the statutes is renumbered 13.625 (4m) (n) and amended to read:

13.625 (4m) (n) This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the department of tourism, or to the furnishing by a principal furnishing of anything of pecuniary value to the department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em).

**SECTION 22.** 13.63 (1) (a) of the statutes is amended to read:

13.63 (1) (a) An applicant for a license to act as a lobbyist may obtain an application from and file the application with the commission. Except as authorized
under par. (am), an applicant shall include his or her social security number and may
include the address of his or her primary residence on the application. The applicant
shall, under the penalty for making false statements under s. 13.69 (6m), sign the
application. The applicant shall submit with the application the applicable fee under
s. 13.75 (1g) (a) or (am). Upon approval of the application by the commission, the
commission shall issue a license to the applicant. A license issued under this
paragraph entitles the licensee to practice lobbying on behalf of each registered
principal for whom or which an authorization for that lobbyist, as required under s.
13.65, has been filed and for whom or which the authorization fee under s. 13.75 (1g)
d has been paid. A license issued under this paragraph shall expire on December
31 of each even-numbered year.

SECTION 23. 13.68 (1) (d) of the statutes is amended to read:

13.68 (1) (d) The name of any agency official, legislative employee, elective
state official, or candidate for elective state office to whom the principal or any
lobbyist for the principal provided reimbursement authorized under s. 13.625 (7)
and the date and amount reimbursed.

SECTION 24. 13.68 (6) of the statutes is amended to read:

13.68 (6) SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT. If a
principal fails to timely file a complete expense statement under this section, the
commission may suspend the privilege of any lobbyist to lobby on behalf of the
principal. Upon failure of a principal to file the required expense statement, the
commission shall provide written notice by the most efficient
means available to the principal and to any lobbyist for whom a written
authorization has been filed under s. 13.65 to act as a lobbyist for the principal
informing them that unless the principal files the delinquent statement within 10
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Business days after the date of mailing of the notices on which the commission provided notice, no lobbyist may lobby on behalf of the principal. The commission shall immediately restore the privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon the filing of the delinquent statement by the principal. The notices shall be sent to the last-known addresses of the principal and lobbyist or may be sent electronically to the last-known electronic mail address of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.42 regarding the suspension.

Section 25. 13.685 (7) of the statutes is repealed.

Section 26. 13.695 (4) of the statutes is amended to read:

13.695 (4) No officer or employee of an agency who is identified in a statement filed under this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1g) or to make a contribution. This subsection does not prohibit an agency official who is identified in a statement filed under this section from authorizing salaries and other payments authorized by law to be paid to state officers, employees, consultants, or contractors, or candidates for state office, or from authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law, whenever that action is taken in the normal course of affairs.

Section 27. 19.42 (7w) (f) of the statutes is created to read:

19.42 (7w) (f) A school district administrator, as defined in s. 115.001 (8).

Section 28. 19.45 (3m) of the statutes is amended to read:
19.45 (3m) No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with ss. 13.625 (4m) and 19.56 (3).

SECTION 29. 19.55 (2) (dm) of the statutes is created to read:

19.55 (2) (dm) Records of the address of the primary residence of any individual who files an application for licensure as a lobbyist under s. 13.63.

SECTION 30. 19.56 (3) (bm) of the statutes is created to read:

19.56 (3) (bm) A state public official may attend a meeting with clubs, conventions, special interest groups, political groups, school groups, and other gatherings, without paying admission costs, to discuss and to interpret legislative, administrative, executive, or judicial processes and proposals and issues initiated by or affecting the state legislature, state government, a department, or the judicial branch. A state public official may not receive food, beverages, or other items included in the cost of admission unless the official pays the event organizer, including a principal or lobbyist, for the actual cost of the food, beverages, or items.