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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE RULE 20-019

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **2. Form, Style and Placement in Administrative Code**

In SECTION 18 of the proposed rule, s. ETH 26.04 (1) (b) adds the word “calendar” in two places regarding the number of days following the due date for the statement of economic interests. The rule should also add the word “calendar” in reference to the 16<sup>th</sup> day following the due date, as follows:

(b) If the commission receives a statement of economic interests 16 or more calendar days after the due date for the statement of economic interests, the commission may extend a settlement offer of \$100, plus \$100 for every additional 15 calendar days after the 16<sup>th</sup> calendar day following the due date.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. SECTIONS 11 to 14 amend existing language to specify the time frame for receiving statements is a certain number of “business days” after the due date. However, neither ch. ETH 26, nor the relevant statutory chapters include a definition of “business day.”

The rule should define “business day”, to avoid multiple potential interpretations of the term within the regulated lobbying community. For instance, questions may arise regarding federal legal holidays when federal government offices are closed but state government offices remain open (e.g., Veterans Day, Presidents Day), and several different definitions of “business day” exist

within the Wisconsin Administrative Code (e.g., ss. ATCP 93.050 (16) and REEB 18.02 (1), Wis. Adm. Code).

b. SECTION 16 of the proposed rule creates s. ETH 26.03 (3a) and refers to a lobbyist making a “lobbying communication”, a term which is not defined in the chapter but is defined in statute. A definition should be created in s. ETH 26.01 that cross-references the statutory definition in s. 13.62 (10g), Stats.

c. In SECTION 16 of the proposed rule, s. ETH 26.03 (3a) (intro.) creates a settlement schedule for making a lobbying communication on behalf of a lobbying principal “prior to authorization”. Are the provided settlement amounts meant to apply only to a lobbyist who eventually files the required authorization on behalf of a principal? And not to a lobbyist who fails to ever file an authorization? If so, the language should be clarified to state this explicitly.