



## 2005 ASSEMBLY BILL 304

April 12, 2005 - Introduced by Representatives BLACK, BOYLE, ZEPNICK, BERCEAU, CULLEN, POCAN, SHERIDAN, LEHMAN and MOLEPSKE, cosponsored by Senators LASSA, MILLER, CARPENTER and COGGS. Referred to Committee on Energy and Utilities.

1     **AN ACT to renumber** 19.579; **to amend** 19.579 (title) and 19.58 (1) (a); and **to**  
2     **create** 19.45 (14), 19.579 (2) and 19.58 (1) (c) of the statutes; **relating to:**  
3     restrictions on employment of former commissioners and certain staff of the  
4     Public Service Commission and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the commissioners of the Public Service Commission (PSC) are nominated by the governor and, with the advice and consent of the senate, appointed for six-year terms. The PSC regulates public utilities and also regulates, to varying degrees, nonutilities that provide certain telecommunications services. Current law prohibits a commissioner from having a financial interest in a public utility.

This bill provides that, for 12 months after an individual ceases to be a commissioner of the PSC, he or she may not be employed by, serve as a director of, render services to, or assist or participate in the affairs of, any of the following: 1) a person that has been subject to any regulation by the PSC, a subsidiary or affiliate of such a person, or a foundation organized or operated by such a person; or 2) a person that represents the interests of the foregoing persons. Under the bill, an executive assistant or division administrator employed by the PSC is subject to the same prohibitions during the 12-month period after he or she ceases to be employed by the PSC.

The bill's prohibitions are created in the Code of Ethics for State Public Officials and Employees (code). As a result, the Ethics Board may investigate an allegation

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that an individual has violated a prohibition and may order compliance. In addition, the bill provides that an individual who violates the bill's prohibitions is subject to a forfeiture (civil penalty) of not more than \$50,000, and is also subject to the following criminal penalties: 1) a fine of between \$20,000 and \$50,000; 2) imprisonment for not more than one year; or 3) both a fine and imprisonment.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 19.45 (14) of the statutes is created to read:

2           19.45 (14) No commissioner of the public service commission or executive  
3 assistant or division administrator employed by the commission may, for 12 months  
4 following the date on which he or she ceases to be a commissioner or to be employed  
5 as an executive assistant or division administrator, be employed by, serve as a  
6 director of, render services to, or assist or participate in the affairs of, any of the  
7 following:

8           (a) A person that has been subject to any regulation by the public service  
9 commission, a subsidiary or affiliate of such a person, or a foundation organized or  
10 operated by such a person.

11           (b) Any person that represents the interests of a person described in par. (a).

12           **SECTION 2.** 19.579 (title) of the statutes is amended to read:

13           **19.579** (title) **Civil penalty penalties.**

14           **SECTION 3.** 19.579 of the statutes is renumbered 19.579 (1).

15           **SECTION 4.** 19.579 (2) of the statutes is created to read:

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1           19.579 (2) Any person who violates s. 19.45 (14) may be required to forfeit not  
2           more than \$50,000.

3           **SECTION 5.** 19.58 (1) (a) of the statutes is amended to read:

4           19.58 (1) (a) Any person who intentionally violates any provision of this  
5           subchapter except s. 19.45 (13) or (14) or 19.59 (1) (br), or a code of ethics adopted or  
6           established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more  
7           than \$5,000 or imprisoned not more than one year in the county jail or both.

8           **SECTION 6.** 19.58 (1) (c) of the statutes is created to read:

9           19.58 (1) (c) Any person who intentionally violates s. 19.45 (14) shall be fined  
10          not less than \$20,000 nor more than \$50,000 or imprisoned for not more than one  
11          year in the county jail or both.

12          **SECTION 7. Initial applicability.**

13          (1) This act first applies to an individual who is a commissioner of the public  
14          service commission or an executive assistant or division administrator employed by  
15          the public service commission on or after the effective date of this subsection.

16    **(END)**