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State of Misconsin 2005 - 2006 LEGISLATURE

2005 ASSEMBLY BILL 872

December 9, 2005 – Introduced by Representatives McCormick, Freese, Krawczyk, GUNDRUM, KREIBICH and BERCEAU, cosponsored by Senator Olsen. Referred to Committee on Campaigns and Elections.

1 AN ACT to create 11.386 of the statutes; relating to: political contributions by

government contractors.

Analysis by the Legislative Reference Bureau

This bill prohibits any person who enters into a contract with this state or an agency of the state or any local governmental unit in this state for the furnishing of any materials, supplies, equipment, or services, or for the selling of any land or building, if payment therefor is to be made from public funds, from making a political contribution for any purpose other than to promote or defeat a referendum. The prohibition applies during the period beginning with the submittal of a bid or the commencement of negotiations for and ending with the later of the completion of performance under or the withdrawal of the bid or termination of negotiations for the contract or furnishing of the materials, supplies, equipment, or service or the selling of the land or building. The bill also prohibits any person from knowingly soliciting any such contribution from any such person for any such purpose during any such period. Currently, there is no similar prohibition.

Violators are subject to a forfeiture (civil penalty) of treble the amount or value of any unlawful contribution. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

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

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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SECTION 1. 11.386 of the statutes is created to read:

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11.386 Contributions by government contractors. (1) In this section:

- (a) "Agency" has the meaning given in s. 16.70 (1e).
- (b) "Local governmental unit" has the meaning given in s. 16.97 (7). 4

 $\mathbf{5}$ (2) No person who enters into any contract with this state or agency thereof or 6 any local governmental unit in this state for the furnishing of any materials, 7 supplies, equipment, or contractual services, or for selling any land or building to the 8 state agency or local governmental unit, if payment for the performance of the 9 contract or payment for the materials, supplies, equipment, contractual services, 10 land, or building is to be made in whole or in part from public funds; at any time 11 between the submittal of a bid or the commencement of negotiations for and the later 12of the completion of performance under or the termination of negotiations or 13 withdrawal of the bid for, the contract or furnishing of materials, supples, equipment, or contractual services or selling the land or building, may directly or 1415indirectly make any contribution for any purpose other than to promote or defeat a referendum. 16

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(3) No person may knowingly solicit any such contribution from any such 18 person for any such purpose during any such period.

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