



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0188/1
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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.

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

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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:

1 **SECTION 1.** 13.621 (7) of the statutes is created to read:
2 13.621 (7) PARTICIPATION IN EVENTS; PUBLIC OFFICIAL OUTREACH. (a) An agency
3 official, an elective state official, or a legislative employee may receive and retain
4 reimbursement or payment of actual and reasonable expenses for a published work
5 or for the presentation of a talk or participation in a meeting related to a topic
6 specified in s. 19.56 (1) if the payment or reimbursement is paid or arranged by the
7 organizer of the event or the publisher of the work, including a principal or lobbyist.

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1 (b) An agency official, an elective state official, or a legislative employee may
2 attend a meeting with clubs, conventions, special interest groups, political groups,
3 school groups, and other gatherings, without paying admission costs, to discuss and
4 to interpret legislative, administrative, executive, or judicial processes and
5 proposals and issues initiated by or affecting the state legislature, state government,
6 a department, or the judicial branch. An agency official, an elective state official, or
7 a legislative employee may not receive food, beverages, or other items included in the
8 cost of admission unless the person pays the event organizer, including a principal
9 or lobbyist, for the actual cost of the food, beverages, or items.

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

12 13.625 (1) No lobbyist may: ~~(a) Instigate~~ instigate legislative or administrative
13 action for the purpose of obtaining employment in support or opposition ~~thereto~~ to
14 such action or contract to receive or receive compensation dependent in any manner
15 upon the success or failure of any legislative or administrative action.

16 **SECTION 3.** 13.625 (1) (b) of the statutes is renumbered 13.625 (1g), and 13.625
17 (1g) (intro.), as renumbered, is amended to read:

18 13.625 (1g) (intro.) ~~Give~~ No lobbyist or principal may furnish to any agency
19 official or legislative employee of the state or to any elective state official or candidate
20 for an elective state office, or to the candidate committee of the official, employee, or
21 candidate:

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

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

24 13.625 (1m) (a) (intro.) Except as provided in par. (b), ~~a~~ no lobbyist or principal
25 may ~~not~~ do any of the following:

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1 **SECTION 6.** 13.625 (1m) (b) (intro.) of the statutes is amended to read:

2 13.625 **(1m)** (b) (intro.) A lobbyist or principal may make a personal
3 contribution to a partisan elective state official or candidate for partisan elective
4 state office or to the candidate committee of the official or candidate between the first
5 day authorized by law for the circulation of nomination papers as a candidate at a
6 general election or special election and the day of the general election or special
7 election, except that:

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

10 13.625 **(4m)** (a) ~~No principal may engage in the practices prohibited under~~
11 ~~subs. (1) (b) and (1m). This subsection does not apply to the furnishing of~~
12 Notwithstanding sub. (1g), the furnishing by a principal of transportation, lodging,
13 food, meals, beverages, or any other thing of pecuniary value which that is also made
14 available to the general public.

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

16 13.625 **(3)** No candidate for an elective state office, elective state official, agency
17 official, or legislative employee of the state may solicit or accept anything of
18 pecuniary value from a lobbyist or principal, except as permitted under subs. ~~(1) (b)~~
19 ~~3., (1m), (2), (4), (5), (6), (7), (8) and (9) this section or s. 13.621.~~ No candidate
20 committee of a candidate for state office may accept anything of pecuniary value from
21 a lobbyist or principal, except as permitted for such a candidate under subs. ~~(1) (b)~~
22 ~~3., (1m), (2), and (6) this section or s. 13.621.~~

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

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1 13.625 (4m) (intro.) ~~Subsections (1) (b) and (3) do~~ This section does not apply
2 ~~to the compensation or furnishing any of the following:~~

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

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

17 13.625 (4m) (c) ~~This section does not apply to food~~ Food, meals, beverages, or
18 entertainment provided by the governor when acting in an official capacity.

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

21 13.625 (4m) (d) ~~Subsections (1) (b), (1m), (2), and (3) do not apply to the~~ The
22 furnishing of anything of pecuniary value by an individual who is a lobbyist or
23 principal to a relative of the individual lobbyist or principal or to an individual who
24 resides in the same household as the individual, nor to lobbyist or principal or the

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1 receipt of anything of pecuniary value by that relative or individual residing in the
2 same household as the individual lobbyist or principal.

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

5 13.625 (4m) (e) ~~Subsections (1) (b) and (3) do not apply to the~~ The furnishing
6 of anything of pecuniary value by a principal that is a local governmental unit to a
7 legislative official or an agency official who is an elected official of that local
8 governmental unit, or ~~to~~ the solicitation or acceptance thereof by such a legislative
9 official or agency official, in an amount not exceeding the amount furnished to other
10 similarly situated elected officials of the same local governmental unit.

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

13 13.625 (4m) (f) ~~Subsections (1) (b) and (3) do not apply to the~~ The furnishing
14 of a per diem or reimbursement for actual and reasonable expenses by a principal
15 that is a local governmental unit to a legislative official or an agency official who is
16 an appointed official of that local governmental unit, or ~~to~~ the solicitation or
17 acceptance thereof by such a legislative official or agency official, in an amount not
18 exceeding the amount furnished to other similarly situated appointed officials of the
19 same local governmental unit.

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

22 13.625 (4m) (g) ~~Subsections (1) (b), (1m), and (3) do not apply to the~~ The
23 furnishing of anything of pecuniary value by a lobbyist or principal to an employee
24 of that lobbyist or principal who is a legislative official or an agency official solely
25 because of membership on a state commission, board, council, committee, or similar

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1 body if the thing of pecuniary value is not in excess of that customarily provided by
2 the employer to similarly situated employees and if the legislative official or agency
3 official receives no compensation for his or her services other than a per diem or
4 reimbursement for actual and necessary expenses incurred in the performance of his
5 or her duties, ~~nor to~~ or the receipt of anything of pecuniary value by that legislative
6 official or agency official under those circumstances.

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

9 13.625 (4m) (h) ~~Subsections (1) (b) and (3) do not apply to the~~ The furnishing
10 of anything of pecuniary value by a principal to an officer or employee of the
11 University of Wisconsin System, or the solicitation or acceptance thereof by such an
12 officer or employee, for service as a member of the governing body of the principal,
13 in an amount not exceeding the amount furnished to other members of the governing
14 body for the same service.

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

17 13.625 (4m) (i) ~~Subsections (1) (b), (2) and (3) do not apply to the~~ The furnishing
18 of educational or informational material by a lobbyist or principal to an elected state
19 official, legislative official, or agency official, or acceptance thereof by an elected state
20 official, legislative official, or agency official.

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

22 **SECTION 18.** 13.625 (8) of the statutes is renumbered 13.625 (4m) (k) and
23 amended to read:

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1 13.625 (4m) (k) ~~Subsection (3) does not apply to the~~ The solicitation of anything
2 of pecuniary value for the benefit of the endangered resources program, as defined
3 in s. 71.10 (5) (a) 2., by an agency official who administers the program.

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

6 13.625 (4m) (L) ~~Subsection (3) does not apply to the~~ The solicitation of anything
7 of pecuniary value to pay the costs of remedying environmental contamination, as
8 defined in s. 292.51 (1), by an agency official of the department of natural resources.

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

11 13.625 (4m) (m) ~~This section does not apply to the~~ The solicitation, acceptance,
12 or furnishing of anything of pecuniary value by the Wisconsin Economic
13 Development Corporation, or ~~to~~ the furnishing by a principal furnishing of anything
14 of pecuniary value to the Wisconsin Economic Development Corporation, under s.
15 19.56 (3) (e) or (f) for the activities specified in s. 19.56 (3) (e).

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

18 13.625 (4m) (n) ~~This section does not apply to the~~ The solicitation, acceptance,
19 or furnishing of anything of pecuniary value by the department of tourism, or ~~to~~ the
20 furnishing by a principal furnishing of anything of pecuniary value to the
21 department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s.
22 19.56 (3) (em).

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

24 13.63 (1) (a) An applicant for a license to act as a lobbyist may obtain an
25 application from and file the application with the commission. Except as authorized

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1 under par. (am), an applicant shall include his or her social security number and may
2 include the address of his or her primary residence on the application. The applicant
3 shall, under the penalty for making false statements under s. 13.69 (6m), sign the
4 application. The applicant shall submit with the application the applicable fee under
5 s. 13.75 (1g) (a) or (am). Upon approval of the application by the commission, the
6 commission shall issue a license to the applicant. A license issued under this
7 paragraph entitles the licensee to practice lobbying on behalf of each registered
8 principal for whom or which an authorization for that lobbyist, as required under s.
9 13.65, has been filed and for whom or which the authorization fee under s. 13.75 (1g)
10 (d) has been paid. A license issued under this paragraph shall expire on December
11 31 of each even-numbered year.

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

13 13.68 (1) (d) The name of any agency official, legislative employee, elective
14 state official, or candidate for elective state office to whom the principal or any
15 lobbyist for the principal provided reimbursement authorized under s. ~~13.625 (7)~~
16 13.621 (7) (a) and the date and amount reimbursed.

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

18 13.68 (6) **SUSPENSION FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT.** If a
19 principal fails to timely file a complete expense statement under this section, the
20 commission may suspend the privilege of any lobbyist to lobby on behalf of the
21 principal. Upon failure of a principal to file the required expense statement, the
22 commission shall ~~mail written notices~~ provide written notice by the most efficient
23 means available to the principal and to any lobbyist for whom a written
24 authorization has been filed under s. 13.65 to act as a lobbyist for the principal
25 informing them that unless the principal files the delinquent statement within 10

SENATE BILL 719**SECTION 24**

1 business days after the date of ~~mailing of the notices on which the commission~~
2 provided notice, no lobbyist may lobby on behalf of the principal. The commission
3 shall immediately restore the privilege of any lobbyist to lobby on behalf of the
4 principal shall be restored immediately upon the filing of the delinquent statement
5 by the principal. ~~The notices shall be sent~~ commission may send the notice by
6 certified mail to the last-known addresses of the principal and lobbyist or may send
7 the notice electronically to the last-known electronic mail address of the principal
8 and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying
9 privileges under this subsection may request a hearing under s. 227.42 regarding the
10 suspension.

11 **SECTION 25.** 13.685 (7) of the statutes is repealed.

12 **SECTION 26.** 13.695 (4) of the statutes is amended to read:

13 13.695 (4) No officer or employee of an agency who is identified in a statement
14 filed under this section may engage in the prohibited practices set forth in s. 13.625
15 (1) ~~(a) or (d)~~, or use state funds to engage in the practices set forth in s. 13.625 ~~(1) (b)~~
16 (1g) or to make a contribution. This subsection does not prohibit an agency official
17 who is identified in a statement filed under this section from authorizing salaries and
18 other payments authorized by law to be paid to state officers, employees, consultants,
19 or contractors, or candidates for state office, or from authorizing property or services
20 of the agency to be provided for official purposes or other purposes authorized by law,
21 whenever that action is taken in the normal course of affairs.

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

23 19.42 (7w) (f) A school district administrator, as defined in s. 115.001 (8).

24 **SECTION 28.** 19.45 (3m) of the statutes is amended to read:

