

State of Wisconsin



2021 Senate Bill 719

Date of enactment: April 15, 2022
Date of publication*: April 16, 2022

2021 WISCONSIN ACT 266

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) and (g), 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.

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~~ 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:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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) 3., (1m), (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~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~ The solicitation of anything of pecuniary value to pay the costs of remedying 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~~ 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~~ 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)~~ 13.621 (7) (a) 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 ~~mail-written notices~~ 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 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~~ 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 commission may send the notice by certified mail to the last-known addresses of the principal and lobbyist or may send the notice 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 ~~(1) (b)~~ (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) and (g) of the statutes are created to read:

19.42 **(7w)** (f) An employee of a school district who holds a school administrator license or permit issued by the department of public instruction under rules promulgated by the department under s. 118.19 and whose employment requires that the individual hold that license or permit.

(g) An employee of a school district who acts as the head of facilities and maintenance and whose employment duties include making purchasing decisions or recommendations for the school district.

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 ~~s. 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.