

Part-time Board members' receipt of food, drink, favors, services, etc.

ITEMS SPECIFICALLY AUTHORIZED

Consistent with the statutes administered by the Government Accountability Board, **a person who is a state public official solely because of membership on a state board, council, committee, or the like may accept and retain:**

FROM ANY ORGANIZATION (EVEN A LOBBYING ORGANIZATION):

- a. **EXPENSES FOR TALKS AND PROGRAMS.**
Payment or reimbursement by a meeting's sponsor of expenses an official or employee incurs for presenting a talk or program about state issues (including meal and travel costs) [§ 19.56(3)(a)];
- b. **ITEMS AND SERVICES MADE AVAILABLE TO THE GENERAL PUBLIC ON THE SAME TERMS.**
Food, drink, transportation, lodging, items, and services at the same price, if any, charged others, when each of the following applies:
 - (i) the admission, items, or services are available to anyone who wants them at the same price;
 - (ii) the official is not given a preference or advantage in obtaining the items; and
 - (iii) there is no offer or notice of the event, item, or service directed to an official that would confer an advantage to the official. [§13.625(2), *Wisconsin Statutes*];
- c. **FOOD AND DRINK THAT THE OFFICIAL PURCHASES AT AN EVENT INTENDED FOR AND CONDUCTIVE TO THE DISCUSSION OF STATE GOVERNMENTAL PROCESSES, PROPOSALS, OR ISSUES.**
Food and drink that an official purchases at an event intended for and conducive to the discussion of state governmental processes, proposals, or issues if the official pays the highest of (i) the price charged others; (ii) the food and drink's true value, or (iii) the sponsor's cost; ¹
- d. **EXPENSES PROVIDED BY OR TO THE STATE.**
Food, drink, transportation, lodging, or payment or reimbursement of costs that the official can clearly and convincingly demonstrate are provided by or on behalf of the state and primarily for the state's benefit, not for a private benefit² [§ 19.56(3)(c)];
- e. **SALARY FROM A LOBBYING ORGANIZATION.**
Payments and benefits from an employer, even if the employer retains a lobbyist, if in an amount the employer customarily provides to similarly situated employees and the individual receives no compensation for service as a state public official apart from a per diem or reimbursement of expenses [§13.625(2)]; and
- f. **INFORMATION.**
Informational materials of unexceptional value [§§ 13.625(6t) and 19.45(2)].

FROM ANY INDIVIDUAL OR ORGANIZATION OTHER THAN A LOBBYIST OR LOBBYING ORGANIZATION:³

- g. **ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION.**
Food, drink, transportation, lodging, items, and services which the recipient can clearly demonstrate are received for a reason unrelated to the recipient's holding or having held *any* public position [§§ 19.45(3m) and 19.56(3)(b), *Wisconsin Statutes*];
- h. **ITEMS AND SERVICES FOR WHICH THE RECIPIENT PAYS THE FULL COST.**
Food, drink, transportation, lodging, items, and services if the official pays either (a) the price charged all others, if the event is open to the general public, or (b) the highest of (i) the price charged others; (ii) the item's or service's true value, or (iii) the furnisher's cost [§§ 19.45(3m) and 19.56(3)(b) *Wisconsin Statutes*];
- i. **ITEMS, SERVICES, AND REIMBURSEMENTS FROM CAMPAIGN COMMITTEES.**
Services, items, and reimbursements from campaign committees as permitted and reported under campaign finance laws [§ 19.56(3)(d)].

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¹ Minutes, open session, Ethics Board, March 8, 1995.

² Normally, the certification of the board, council, committee or its chair that the cost or item or service would otherwise be paid by the state of Wisconsin is all that is needed to meet the statute's requirement that a reimbursement or item or service be provided for the benefit of the state, not for a private benefit.

³ If an official's responsibilities do not include participation in rulemaking, these paragraphs apply even if the items and services are from a lobbying organization or lobbyist.

Restraints on part-time Board members' receipt of food, drink, favors, services, etc.

Except as noted on the other side of the page, **a member of a state board, council, committee, or the like) should not accept:**

1. TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.

Discounted transportation or traveling accommodation for which the supplier would usually charge [§946.11; Art. 13, §11, Const.].

2. ITEMS OR SERVICES FROM LOBBYISTS.

Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from a lobbyist⁴, either directly or through an agent [§ 13.625(1)-(3)];

3. ITEMS OR SERVICES FROM ORGANIZATIONS THAT EMPLOY LOBBYISTS.

Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from an organization that employs a lobbyist unless also made available to the general public on like terms and conditions⁵ [§ 13.625(2)]; and

4. FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.

Food, drink, transportation, or lodging except when offered for a reason unrelated to the recipient's holding or having held *any* public position and the recipient can demonstrate that clearly and convincingly [§§ 19.45(3m) and 19.56(3)(b)];

5. OTHER ITEMS OR SERVICES OFFERED BECAUSE OF STATE POSITION.

Any item or service of more than nominal value offered because of the person's holding a state public office [§ 19.45(2), *Wisconsin Statutes*];⁶

6. REWARDS FOR OFFICIAL ACTION.

Anything of value that could reasonably be considered as a reward for the official's action or inaction [§ 19.45(3), *Wisconsin Statutes*];

7. ITEMS AND SERVICES THAT COULD INFLUENCE OFFICIAL ACTION.

Anything of value that could reasonably be expected to influence the state public official's vote, official actions or judgment [§ 19.45(3), *Wisconsin Statutes*].

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⁴ Unless the lobbyist and recipient are married to each other, are engaged to be married, reside in the same household, or are close relatives [§ 13.625(6)] or the official's responsibilities do not include participation in the proposal, drafting, development, consideration, promulgation, amendment, repeal, or rejection of administrative rules.

⁵ Unless the official's responsibilities do not include participation in rulemaking, in the case of an official who also holds an *elected* position in a local government that employs a lobbyist, the local government may furnish the individual anything it normally furnishes to its other similarly situated elected officials. [§ 13.625(6g)(a)] If an official is *appointed* to a local government position compatible with the state position, the local government may furnish the individual a per diem or reimbursement of expenses up to the amount furnished to its other similarly situated elected officials. [§ 13.625(6g)(b)]

⁶ For more detailed information about **attending conferences, seminars, and receptions**, see Government Accountability Board Guideline GAB 1222.