

## Expenses and compensation for talks

*Wisconsin Statutes* encourage every state public official to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret:

1. legislative, administrative, executive or judicial processes and proposals AND
2. issues initiated by or affecting the legislature, the university of Wisconsin system, an authority or public corporation created and regulated by the legislature an office, department, independent agency or legislative service agency, technical college district, constitutional office, or the judicial branch. [§§ 19.42 (5) and 19.56 (1), *Wisconsin Statutes*]

### EXPENSES

For the presentation of a talk about the types of processes, proposals, and issues just described, a state public official may receive and retain reimbursement or payment of actual and reasonable expenses that are paid or arranged by the event's organizer. [§19.56 (3) (a), *Wisconsin Statutes*]

### COMPENSATION

**APPOINTED OFFICIALS:** An appointed state public official may not retain compensation for presenting a talk related to the official's state position [§19.45 (2), *Wisconsin Statutes*]

**ELECTED OFFICIALS:** For the presentation of a talk about the types of processes, proposals, and issues described above, an elected state official may retain **reasonable compensation** paid or arranged by the event's organizer if:

- The official prepares and presents the talk without more than incidental reliance upon the state's time, facilities, supplies, or services not generally available to any one [§19.56 (3), *Wisconsin Statutes*]; AND
- The payment is provided neither by a lobbyist nor by a business, or organization, or local government that employs a lobbyist [§13.625 (1) and (2), *Wisconsin Statutes*]

"**Compensation**" refers not only to an honorarium of cash or its equivalent but also gifts, tickets, entertainment and the like and to the payment or reimbursement of travel, lodging, meals, et cetera for an official's spouse or guest.

Barring unusual circumstances, the Government Accountability Board presumes that compensation of \$100 or less for a talk is reasonable. Compensation in excess of that amount may or may not be reasonable depending upon the totality of the circumstances. The Board considers case by case the reasonableness of payments that substantially exceed \$100. Factors the Board may take into account in assessing a payment's reasonableness include: the payer's relationship to the official's public position; the amount of preparation required for the presentation; the compensation the sponsoring organization provided to other participants who were not state officials; the relative importance of the presentation; and the official's history of commanding speaking fees prior to taking public office.

**DISPOSITION OF GIFTS AND PAYMENTS THAT MAY NOT BE RETAINED.** If a state official receives cash or a gift that the official may not keep, the official should, if practical, convey it to the agency with which the official is associated, or, in the case of a justice or judge, to the director of state courts. If this is not practical, the official may either return it or its equivalent or give it to a charitable organization other than one with which the official is associated. [§19.56 (3), *Wisconsin Statutes*] See also Government Accountability Board Publication GAB 1235 – Disposition of Gifts.

### REPORTING PAYMENTS FOR TALKS

When a public official accepts travel, meals, food, lodging, reimbursement of expenses, or compensation valued at more than \$50 (exclusive of a meal coincident with the talk) for presenting a talk or participating in a meeting, then the official must identify the payer, the circumstances for which the payment was made, and the approximate value either on his or her annual Statement of Economic Interests or by a separate letter to the Government Accountability Board. An official should report that information even if all or part of the payment is donated to charity or to a state institution. [§19.56 (2), *Wisconsin Statutes*]

*This is a guide. For authoritative information consult Wisconsin Statutes.*