
2007 Wis Eth Bd 01
MEALS, LODGING, TRAVEL, & ENTERTAINMENT

¶1 You ask whether laws administered by the Ethics Board restrict your acceptance of a trip to a foreign country jointly sponsored by organizations whose purposes include fostering better relationships between that country and the United States and fostering understanding, harmony, and cooperation among different religious traditions. You have indicated that you would be meeting with cultural groups and public officials, both to learn about the diverse cultures in the foreign country and potentially to develop cultural exchanges with that country.

LOBBYING LAW INAPPLICABLE

¶2 Neither organization employs a lobbyist in Wisconsin. Consequently, Wisconsin's lobbying law is inapplicable to the situation about which you have asked.

UNLESS EXCEPTION APPLIES, WISCONSIN'S ETHICS CODE FORBIDS A STATE
GOVERNMENTAL OFFICIAL TO ACCEPT TRAVEL FROM ANYONE

¶3 Unless the Statutes establish an exception, Wisconsin law forbids a member of the Legislature to accept travel from anyone.

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. 19.56 (3).

STATUTORY EXCEPTIONS TO THE GENERAL RULE FORBIDDING ACCEPTANCE OF
TRANSPORTATION AND OTHER BENEFITS

¶4 In the circumstances about which you have asked, the most pertinent exception is §19.56 (3) (c), *Wisconsin Statutes*. That section provides, in pertinent part:

19.56 (3) Notwithstanding s. 19.45:

(c) A state public official may receive and retain . . . on behalf of the state . . . payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

BURDEN OF PROOF

¶5 The statute places the burden on you to show that you are receiving the travel both on behalf of the state and for the state's benefit.

¶6 You have provided only very general information about the trip and no information about how your participation is likely to affect the state's government or citizens or your performing your legislative duties. You describe the proposed trip as being for the purpose of, and conducive to, the discussion of issues affecting citizens in the State of Wisconsin and the role the state may play in fostering cooperation and understanding among diverse peoples. The foregoing is a fairly broad and generalized statement, and if you could substantiate that claim, there is a plausible basis for reaching the conclusion that the trip would be of benefit to the state. At this point, however, you have not demonstrated by "clear and convincing evidence" that your participation in the endeavor will be either [1] on behalf of or [2] for the benefit of the state. Although neither required nor conclusive, the directive of the Speaker, Governor, or other official who can appropriately be said to act on the state's behalf that you undertake this enterprise on behalf of the state and for its benefit, would be very good evidence of the trip's meeting the statutory test.

WR1251