

Chapter Eth 1

AUTHORITY AND DEFINITIONS

Eth 1.01 Authority

Eth 1.02 Definitions

Note: Chapter Eth 1 as it existed on June 30, 1976 was repealed and a new Chapter Eth 1 was created effective July 1, 1976.

Eth 1.01 Authority. Rules adopted by the board are pursuant to s. 19.48 (1), and ch. 227, Stats., and shall apply to all actions and proceedings of the board.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76; am. Register, October, 1978, No. 274, eff. 11-1-78.

Eth 1.02 Definitions. When used in ss. 19.41 to 19.58, Stats. and rules adopted by the board, unless the context otherwise requires, the following words and phrases have these meanings:

(1) **HOSPITALITY.** (a) Defined. "Hospitality" includes but is not limited to meals, beverages and lodging which a host other than an organization offers a guest on premises owned or occupied by the host or his or her immediate family as the host's principal or seasonal residence.

(b) Relation to state business. Hospitality is unrelated to state business if, after consideration of the circumstances, a reasonable person would conclude that it is probable that the hospitality would be extended if the guest or a member of the guest's immediate family did not hold a state public office.

Note: Anything of value is defined at s. 19.42 (1), Stats., and later appears at ss. 19.42 (6) and 19.45 (2), (3) and (4), Stats. Specifically excluded from the term is "... hospitality extended for a purpose unrelated to state business by a person other than an organization."

In general, these sections provide that a state public official may not use his or her public office to obtain anything of substantial value and may not accept anything of value if it could reasonably be expected to influence the official's judgment. Moreover, a state official must report annually the acceptance of anything of value received as a gift from someone other than a relative if its value exceeds \$100.

Eth 1.02 (1) identifies the most common situations coming within the hospitality exclusion. Many other circumstances may come within the exclusion (e.g., wedding receptions, theatre parties, hunting trips) but because of their diverse character no general rule can be stated. Written opinions on the term's application to situations not addressed here may be obtained from the board on request.

The rule also identifies the circumstances under which hospitality is unrelated to state business.

(2) (a) "Income" includes:

1. Compensation for services (including salary, wages, fees and commissions);
2. Gross income derived from business;
3. Rents and royalties; and
4. Annuities and pensions.

(b) "Income" does not include:

1. Proceeds from life insurance;
2. Gifts and inheritances;
3. Compensation for injuries or sickness;
4. Amounts received from accident and health plans; or
5. Employers contributions to accident and health plans.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76; am. (1) and (5), Register, September, 1976, No. 249, eff. 10-1-76; renum. (6) to be (7), cr. (6), Register, May, 1977, No. 257, eff. 6-1-77; am. (1), Register, June, 1977, No. 258, eff. 7-1-77; renum. (7) to be (8), cr. (7), Register, November, 1977, No. 263, eff. 12-1-77; am. (intro.) r. and recr. (1) and r. (2) to (8), Register, October, 1978, No. 274, eff. 11-1-78; renum. (1) to be (2), cr. (1), Register, July, 1979, No. 283, eff. 8-1-79.