



1999 ASSEMBLY BILL 530

October 12, 1999 - Introduced by Representatives LEIBHAM, ALBERS, GUNDERSON, SYKORA, OWENS, HUEBSCH, HOVEN, GOETSCH, HAHN, PLALE and MEYER, cosponsored by Senators PANZER, ZIEN, WELCH, FARROW, DARLING and HUELSMAN. Referred to Committee on Campaigns and Elections.

1 **AN ACT to create** 13.62 (5m), 13.625 (8s), 19.42 (4m) and 19.45 (13) of the
2 statutes; **relating to:** offers and gifts to state public officials and their personal
3 campaign committees for the benefit of charitable organizations.

Analysis by the Legislative Reference Bureau

Currently, under the code of ethics for state public officials (which applies to all elective and major appointive officials), no person may offer or give to a state public official, and no state public official may solicit or accept from any person, anything of value if it could reasonably be expected to influence the official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official.

In addition, no state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of an organization in which the official or a member of the official's immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, individually or in combination with other immediate family members, at least 10% of the outstanding equity, or of which the official or a member of the official's immediate family is an authorized representative or agent.

This bill provides that these prohibitions do not apply to the solicitation or acceptance of a donation by a state public official or to the gift or offer of a gift of a donation by any person, to or on behalf of a charitable, religious, scientific or educational organization that is exempt from the federal income tax.

Currently, no elective state official, official of a state agency who has responsibility for rule making or legislative employe, and no personal campaign

ASSEMBLY BILL 530

committee of such an official or employe, may solicit or accept anything of pecuniary value from a lobbyist or principal (person who employs a lobbyist).

This bill provides that this prohibition does not apply to the solicitation or acceptance of anything of pecuniary value for the benefit of a charitable, religious, scientific or educational organization that is exempt from the federal income tax by an elective state official, official of a state agency or legislative employe who is a state public official, or by the personal campaign committee of such an official or employe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.62 (5m) of the statutes is created to read:

13.62 **(5m)** "Charitable organization" has the meaning given under s. 19.42 (4m).

SECTION 2. 13.625 (8s) of the statutes is created to read:

13.625 **(8s)** Subsection (3) does not apply to the solicitation or acceptance of anything of pecuniary value for the benefit of a charitable organization by an elective state official, agency official or legislative employe of the state who is a state public official, as defined in s. 19.42 (14), or by the personal campaign committee of such an official or employe.

SECTION 3. 19.42 (4m) of the statutes is created to read:

19.42 **(4m)** "Charitable organization" means an organization described in 26 USC 501 (c) (3) that is exempt from the federal income tax under 26 USC 501 (a).

SECTION 4. 19.45 (13) of the statutes is created to read:

19.45 **(13)** Notwithstanding subs. (2) and (3), this section does not apply to the solicitation or acceptance of a donation by a state public official or to the gift or offer of a gift of a donation by any person, to or on behalf of a charitable organization.

(END)