

State of Minnesota  
**Campaign Finance & Public Disclosure Board**

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

**THIS ADVISORY OPINION IS PUBLIC DATA**  
pursuant to a consent for release of information signed by the requester

**Issued to:** The Honorable Ken Wolf  
State Representative, District 41B  
13319 Morgan Avenue South  
Burnsville, MN 55337

**RE: Gift of travel and lodging; use of principal campaign committee funds**

**ADVISORY OPINION 277**

**SUMMARY**

A gift from a lobbyist principal of travel and lodging, even when passed through a non-lobbyist entity, is prohibited. Costs of attending the described meeting, which is directly related to legislative duties, are expenses of serving in public office. Such costs are noncampaign disbursements for which principal campaign committee funds may be used.

**FACTS**

You ask the Campaign Finance and Public Disclosure Board (the "Board") for an advisory opinion based on the following facts:

1. You are a state legislator, and thus a public official as defined in Minn. Stat. § 10A.071. In the legislature, you serve on the House Regulated Industries Committee.
2. You are also a member of the American Legislative Exchange Council (ALEC), which is a national organization for state legislators and others interested in state legislation. In order to become a member of ALEC, you applied to the organization and paid a membership fee.
3. You serve on ALEC's Telecommunications and Information Technology Task Force (the Task Force). This is one of several standing task forces which ALEC maintains. To become a member of the Task Force, you indicated your interest and were appointed by the National Chair of ALEC. No single state may have more

than three legislators on the same task force. However, as a practical matter, anyone wanting to be on a particular task force gets appointed.

4. In addition to the legislators who comprise the public members of the Task Force, there are 12 corporate members representing various telecommunications and information technology industries. Approximately half of the corporate Task Force members are Minnesota Lobbyist Principals.
5. The Task Force budget is provided by an annual \$5,000 dues assessment paid by each corporate member of the Task Force.
6. The Task Force holds periodic meetings, some of which are associated with conferences, which are open to all Task Force members. The Task Force offers to pay for the transportation, lodging and any conference costs for its public (legislative) members attending these meetings. The Task Force does not offer to pay for the same costs for representatives of its corporate members who attend the meetings.
7. You attend the meetings to keep yourself informed concerning federal regulations and national trends in regulated industries. The information you obtain is valuable to you in helping set policy for Minnesota; something that is a part of your responsibility as a member of the House Regulated Industries Committee. You attend these meetings solely to help you perform your duties as a legislator.
8. In the past you have used your own personal funds to pay for the expenses of attending these meetings.

You ask whether you may accept payment of travel, lodging, and conference costs from the Task Force consistent with the general gift prohibitions of Minn. Stat. § 10A.071. You also ask whether you may use principal campaign committee funds to pay these expenses.

#### ISSUE ONE

Is the payment of an official's travel, lodging, and conference costs under the described facts prohibited by Minn. Stat. § 10A.01?

#### OPINION

Yes, the payment of travel, lodging, and conference costs you describe results in a prohibited gift from a lobbyist principal.

The Task Force's budget is provided by corporations in the form of dues payments. Many of these corporations are lobbyist principals as defined in Minn. Stat. § 10A.01, subd. 28. The lobbyist principals provide these operating funds with the knowledge and intention that they will be used to benefit legislators, some of whom may be officials as defined in Minn. Stat. § 10A.01, Subd. 1(c).

Minn. Rules. part 4512.0300 provides that a gift is given by the association paying for the gift. The payment of dues to ALEC, coupled with the knowledge that the funds may subsequently be used to benefit officials, constitutes paying for the gift within the meaning of this rule. The fact that the corporate money is passed through ALEC, a conduit for the gift, does not isolate the corporations from their status as givers. Thus, the gift is prohibited because it is given by a lobbyist principal.

The Board has reviewed application of the various exceptions provided by Minn. Stat. § 10A.071. The only exception with possible application is that found in Minn. Stat. § 10A.01, subd. 3(b)(1), which excepts certain gifts given based on "membership in a group".

The Board has not considered whether participation in the Task Force constitutes "membership in a group" under the statute. It is not necessary to decide that issue because another criteria for application of the exception is clearly missing. For the exception to apply, the same gift must be given to all members of the group. In this matter, the gift is given only to the legislative members of the Task Force, making the exception inapplicable.

## ISSUE TWO

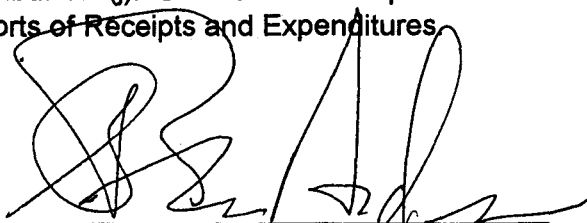
May you use principal campaign committee funds to pay travel, lodging, and conference costs to attend these meetings and report the cost as a noncampaign disbursement?

## OPINION

Yes. Attendance at task force meetings and associated conferences is directly related to your service in public office. Your reason for attending them is to obtain information which will assist you in performing your duties as a legislator. You would not attend these events if you were not a legislator.

These facts provide a sufficient basis to conclude that the costs are expenses of serving in public office under Minn. Stat. § 10A.01, subd. 10c(j). Such costs are reported as noncampaign disbursements on your Reports of Receipts and Expenditures

Issued: 10/31/97



G. Barry Anderson, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES

### 10A.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

Subd. 10c. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any of the following purposes:

(j) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;

Subd. 28. **Principal.** "Principal" means an individual or association that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

### 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.

Subdivision 1. **Definitions.**

(a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

Subd. 2. **Prohibition.** A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. **Exceptions.**

(a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 7;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or