

State of Minnesota
Campaign Finance & Public Disclosure Board
First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

THE FOLLOWING PUBLICATION DOES NOT IDENTIFY
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)

RE: Definition of Lobbyist Principal

ADVISORY OPINION 297

SUMMARY

A political subdivision is not included in the categories of entities which may be lobbyist principals under Minnesota Statutes Chapter 10A.

FACTS

As a public official, you ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. You are a member of the legislature.
2. You have been invited to take a trip to learn about a project with which you are involved in the legislature.
3. A Minnesota county is willing to pay your expenses for this trip.
4. The County has lobbyists registered with the Board.
5. No lobbyist has requested the county to make this trip available to you or to pay your expenses for it.

ISSUE

Is a gift to an official from a Minnesota county which retains a lobbyist a prohibited gift from a lobbyist principal?

OPINION

No. A Minnesota county is not a lobbyist principal; thus, a gift from a Minnesota county to an official is not a prohibited gift under Minn. Stat. § 10A.071 as long as the gift was not requested by a lobbyist.

A Minnesota county is a "political subdivision" as defined in Minn. Stat. § 10A.01, subd. 27.

Under Minn. Stat. § 10A.01, subd. 28, a "lobbyist principal means an individual or association . . ." (emphasis added).

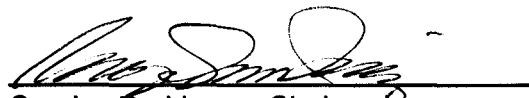
In 1990, when the above definition of lobbyist principal was established, the definition of lobbyist was also revised. The legislature defined a lobbyist principal as "an individual or association . . .". On the other hand, a lobbyist was defined as a person engaged by an "individual, association, political subdivision or public higher education system. . .".

Principles of statutory interpretation require that meaning be given to each word or phrase used in a statute. If the definition of "association" includes political subdivisions and public higher education systems, then those phrases in the definition of a lobbyist are redundant and have no meaning. The Board concludes that a political subdivision is something different from an individual or association.

A lobbyist principal must be "an individual or association". A political subdivision is neither; thus, a political subdivision is not a lobbyist principal even though it may have a lobbyist. The gift described in this request is not prohibited because the gift prohibition of Minn. Stat. § 10A.071 applies only to gifts given or requested by lobbyists or lobbyist principals. (The Board reached a similar conclusion with regard to public higher education systems in Advisory Opinion 224.)

Issued:

July 24, 1998



Carolyn Rodriguez, Chair
Campaign Finance and Public Disclosure Board

CITED STATUTES

10A.01 DEFINITIONS.

. . .

Subd. 3. "Association" means business, corporation, firm, partnership, committee, labor organization, club, or any other group of two or more persons, which includes more than an immediate family, acting in concert.

. . .

Subd. 11. (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system . . .

. . .

Subd. 27. **Political subdivision.** "Political subdivision" means the metropolitan council, a metropolitan agency as defined in section 473.121, subdivision 5a, a municipality as defined in section 471.345, subdivision 1, the Minnesota state high school league, and Minnesota Technology, Inc.

Subd. 28. Principal. "Principal" means an individual or association . . .

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.

. . .