



Minnesota
State Bar
Association

600 Nicollet Mall
Suite 380
Minneapolis, MN 55402

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Minnesota Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Board Members:

The Minnesota State Bar Association (MSBA) is a voluntary professional organization that represents over 12,000 lawyers throughout the state. As you begin your legislatively-mandated study of issues relevant to lobbyist regulations, the MSBA asks that you consider making an important distinction regarding the definition of “official action of a political subdivision.” Specifically, we request that you recommend requiring lobbyist registration for anyone attempting to influence the polycymaking functions of political subdivisions, but not the court-like proceedings of political subdivisions.

Most planning and zoning decisions are made by local zoning boards, commissions, and elected officials. Such actions fit in one of two categories:

1. **Legislative decisions** formulate broadly-applicable policies for future application and include such actions as passing budgets, adopting plans, and adopting ordinances or amendments to ordinances.
2. **Quasi-judicial decisions** occur when an established policy (e.g., an ordinance or state statute) is applied to particular facts. Examples include decisions on variances, conditional use permits, site-plan review, zoning code violations, and many planning commission decisions.

When making quasi-judicial decisions, the local government body applies preexisting law to a single parcel or a limited number of individuals. Typically, quasi-judicial decisions do not directly affect the entire political subdivision, so there is limited public interest. In addition, quasi-judicial proceedings function more like court actions than political proceedings. For example, stricter procedural requirements must be followed, and the body's decision is subject to review by the Minnesota Court of Appeals (in other words, the public body is essentially standing in the shoes of the district court). Conversely, when making legislative decisions, the public body has considerable discretion, fewer procedural requirements, and is generally subject to less strict judicial review.

Because of their essentially judicial nature, and because no attempt is being made to influence broad public policy, participation in a quasi-judicial process should not require lobbyist registration.

We appreciate the Board's consideration and we would be happy to answer questions or provide additional information.

Sincerely,



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