

Issued to:
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RE: Lobbyist Compensation

ADVISORY OPINION #106

SUMMARY

106. A company's payment of a bonus to an employee who is a lobbyist is not a "compensation which is dependent upon the result or outcome of any legislative ... action" within the meaning of Minn. Stat. § 10A.06, provided the payment was not contemplated or discussed with the lobbyist prior to the lobbyist's efforts to influence legislative action.

FACTS

You are an attorney representing a client who employs a full-time registered lobbyist who is compensated on a straight salary basis as a regular employee of your client and who performs lobbying services solely for the client.

The client wishes to award this individual a bonus, in addition to regular salary, in recognition of the individual's extraordinary efforts in connection with certain legislation passed during recent legislative sessions. The bonus would be awarded pursuant to a company-wide program whereby employees are rewarded for exceptional contributions. The payment of the bonus was not contemplated or discussed with the lobbyist prior to the passage of the relevant legislation, but was proposed only afterwards in recognition of the individual's superior achievements.

You ask the Board to answer this question:

Would the payment of such a bonus, which was neither contemplated nor discussed with the lobbyist prior to the passage of the pertinent legislation, constitute the prohibited "employ[ment] of a lobbyist for compensation which is dependent upon the result or outcome of any legislative . . . action" within the meaning of Minn. Stat. § 10A.06?

PERTINENT STATUTE

Sec. 10A.06 (Minnesota Statutes 1988): No person shall employ a lobbyist for compensation which is dependent upon the result or outcome of any legislative or administrative action. Any person who violates the provisions of this section is guilty of a misdemeanor.

OPINION


In order to be considered within the meaning of Minn. Stat. § 10A.06, compensation to a lobbyist which is dependent upon the result or outcome of legislative or administrative action must be offered and agreed to by the parties involved prior to the action.

The Board notes that in the present instance the payment of a bonus in recognition of the lobbyist's superior achievements was neither contemplated nor discussed with the lobbyist prior to the lobbyist's efforts on behalf of legislation. Therefore, the bonus is not "compensation which is dependent upon the result or outcome of any legislative . . . action", within the meaning of Minn. Stat. § 10A.06.

This opinion is limited to the specific circumstances outlined in this request.

Issued:

July 26, 1990


Martin J. McGowan, Chair
Ethical Practices Board