

ETHICAL PRACTICES 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) (1994 Minn. Laws, ch. 377, sec. 1)**

RE: Activities related to student lobbying

ADVISORY OPINION # 254

SUMMARY

A teacher in a public school who, as a part of an official school program, teaches students to lobby and performs services in support of the students' lobbying efforts does not become a lobbyist as a result of those activities.

FACTS

As an individual seeking the Ethical Practices Board's advice by which to guide your conduct, you request an advisory opinion based on the following facts:

1. You are a teacher in a Minnesota public school system.
2. The student government of the school system has decided to undertake a lobbying initiative in the 1997 legislature. A group of high school students has been selected for this initiative. The program will be a learning experience in which the participating students will learn how to lobby and will carry out lobbying activities in the legislature.
3. As the teacher assigned to provide guidance, instruction, and assistance to this student group, you will be involved in certain activities to facilitate and guide the students' lobbying activities.
4. Your activities may include:
 - a. helping the students locate legislation that may affect them;
 - b. helping the students analyze the legislation, decide which issues they want to become involved in, and determine what positions they want to take on those issues;
 - c. supporting the student efforts by tracking legislation in which they are interested;
 - d. helping students set up appointments with legislators;
 - e. helping transport students to and from meetings with legislators.

5. You will not be directly communicating with legislators to urge the students' positions; that activity will be accomplished by the students. You will not be urging others outside your student group to contact their legislators to urge the students' positions. As the teacher responsible for this program, you will urge the students in the group to be involved by contacting and meeting with legislators to lobby on the issues they have chosen.
6. The issues on which you will assist the students are not the issues of the school district which employs you. You do not perform services related to the district's lobbying activities.
7. You have no personal interest in the issues on which the students decide to lobby, except your interest as a teacher in the success of their learning experience.

ISSUE

Do your activities as a teacher guiding and assisting students in their lobbying initiatives constitute lobbying so as to require your registration with the Ethical Practices Board as a lobbyist?

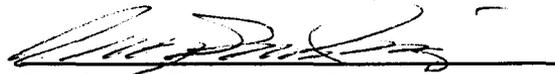
OPINION

No, the activities you describe do not make you a lobbyist as defined in Minn. Stat. § 10A.01, subd. 11. Therefore, you are not required to register as a lobbyist with the Board.

You will not be communicating with legislators to urge them to take a particular position on the students' issues. You will not be urging others to communicate with legislators, other than in the context of the class for which you are responsible. In the class, neither you nor the school district dictate the issues for lobbying, nor the specific positions which will be taken on those issues.

A public school teacher who teaches students in a class how to lobby does not become a lobbyist by virtue of those teaching activities. This is true even when the teacher's activities include providing guidance and assistance to the students in selecting lobbying issues, identifying positions which might be taken, and in monitoring the results of the students' efforts.

Issued: 1-24-97


Carolyn D. Rodriguez, Chair
Ethical Practices Board

CITED STATUTES

10A.01 DEFINITIONS.

Subdivision 1. 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. 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, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

. . . .