

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:** Provision of local telephone directories to legislators

**ADVISORY OPINION 280**

**SUMMARY**

A gift from a lobbyist principal to a legislator of home district telephone directories falls within an exception to the gift prohibition because it is the provision of a service to assist an official in the performance of official duties.

**FACTS**

As the representation of a corporation (the Corporation) doing business in Minnesota, you ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. The Corporation is a lobbyist principal as defined in Minn. Stat. § 10A.01, subd. 28.
2. As a part of its business, the Corporation provides local telephone directories, which may include both white and yellow pages.
3. Legislators who live in the areas the Corporation serves receive copies of the directories at no charge at their homes.
4. The Corporation also gets regular requests from its legislator customers for an additional copy of the directories for use in their legislative offices. Legislators use their local directories to facilitate calling constituents in their home districts.
5. It is the Corporation's normal practice to charge for the provision of extra copies of the directory. However, if not prohibited by statute, the Corporation would like to provide legislators with their local area directories as a service.

**ISSUE**

Is the gift by a lobbyist principal to a legislator of a copy of the legislator's home district telephone directories prohibited under Minn. Stat. § 10A.071?

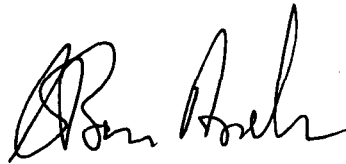
**OPINION**

No. The gift of local district telephone directories is not prohibited by Minn. Stat. § 10A.071. It falls within the exception to the general prohibition for provision of services to assist an official in the performance of official duties. Minn. Stat. § 10A.071, subd. 3(a)(2).

While this gift is not prohibited, it may be subject to a reporting requirement. Gifts valued at \$5 or more must be disclosed on Schedule B of the Lobbyist Disbursement Report of the lobbyist who reports disbursements made by the principal.

Issued: \_\_\_\_\_

11/21/97



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

## CITED STATUTES

### 10A.071 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. 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;