

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: Determination of Lobbyist Principal

ADVISORY OPINION 292

SUMMARY

An independent association that pays for a lobbyist's services is the lobbyist principal even if the payment for those services is made to the association's national affiliate.

FACTS

As the representative of an association, you ask the Campaign Finance and Public Disclosure Board (the "Board") for an advisory opinion based on the following facts:

1. The association you represent is an independent state association (the "State Association") which is affiliated with a national association (the "National Association") dedicated to similar purposes.
2. The State Association is not governed or controlled by the National Association, but does collect national dues on behalf of the National Association and receives some support services from the National Association. The State Association sets its own policy and agenda.
3. The State Association retains the services of a lobbyist, who is an employee of the National Association. The State Association has complete discretion as to whether, and how, it will use the services of this lobbyist.
4. The State Association pays the National Association for all of the costs of the lobbyist's services. This payment is more than \$500 per year.

You ask the Board for guidance with regard to determination of which association is the lobbyist principal.

ISSUE

If an independent association, having complete control over the services of a lobbyist, pays its national affiliate for those services, which entity is the lobbyist principal under Minn. Stat. § 10A.01, subd. 28?

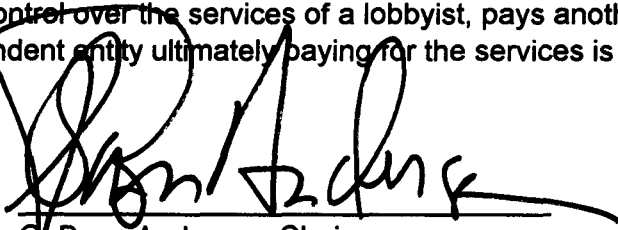
OPINION

Under the facts presented, the independent State Association is the lobbyist principal.

When an independent entity, having full control over the services of a lobbyist, pays another entity in full for those services, the independent entity ultimately paying for the services is the lobbyist principal.

Issued: _____

4/24/58



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

CITED STATUTES

Minn. Stat. § 10A.01 Definitions

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.