

Gift Ban Law and Rules for House Members and Employees

What does the gift ban law prohibit?

Legislators and legislative employees must not request or accept a gift from a lobbyist or principal, and lobbyists and principals must not give a gift to a legislator or legislative employee or ask someone else to do so. Family members are not subject to the ban.

Who are lobbyists and principals?

A “lobbyist” is an individual who is required to register with the Campaign Finance and Public Disclosure Board to lobby Minnesota state government. A “principal” is an entity that hires lobbyists or that spends more than \$50,000 in a year to influence official action. Lobbyists and principals are listed on the board’s website at www.cfboard.state.mn.us. If an individual or entity is not listed on the website, a member may call the board at 651-539-1187 to verify if the individual or entity is a lobbyist or principal. Members and staff may rely on the information provided by board staff on the issue of who is a lobbyist or principal. Examples of people who are not lobbyists include members of the media, local government elected officials, state employees, and representatives of foreign governments touring the Capitol.

What is the penalty for a violation?

There is no criminal penalty or civil fine. The board, which administers the law, takes the position that if possible, it will make a recipient return or pay for an improper gift. This has happened at least once. The board could also make a public finding that there has been a violation.

What is a gift?

A gift is something received without giving equal or greater value in return. If the House pays to send a member or employee to a conference sponsored by a principal, the conference is not a gift from the principal. The event was paid for. By express terms or board advisory opinions “gift” includes the following:

- discounts, loans, privileges, or access made available to legislators but not to the general public
- paying off a debt for a legislator
- honoraria
- travel expenses or lodging for a meeting
- donations to a legal defense fund to benefit public officials generally
- donations to a retirement party held for a public official who is in office or has taken a new office

The following are excluded from the gift ban:

- campaign contributions
- services to assist in performing official duties
- services of insignificant monetary value
- plaques with a resale value of \$5 or less
- trinkets or mementos costing \$5 or less
- informational material with a resale value of \$5 or less
- food or beverage given at a reception, meal, or meeting if: (1) the reception, meal, or meeting is held away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or (2) the recipient is a member or employee of the legislature and an invitation to attend the reception, meal, or meeting was provided to all members of the legislature at least five days prior to the date of the event
- a gift received because of membership in a group, a majority of whom are not officials, and everyone in the group gets a similar gift (a member may accept a gift from his or her spouse's employer that is a principal if the employer gives all spouses a similar gift and a majority of those spouses are not public officials)
- a gift from a lobbyist or principal who is a family member, unless the gift is given on behalf of someone outside the family

What House rules apply to gifts?

[House Rule 9.20](#) prohibits a member from accepting an honorarium (other than expense reimbursement) for services performed for an individual or organization with a direct interest in the business of the House, including, but not limited to, lobbyists and principals. The rule specifies that violations must be referred to the Ethics Committee. The rule does not mention employees. [House Rule 9.21](#) prohibits members and employees from accepting travel or lodging from a for-profit business, union, lobbyist, association of lobbyists, or a foreign government. Both rules are stricter than the statute in restricting the sources from which members and employees may accept things.

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