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**1992 Wis Eth Bd 6**  
**LOBBYING**

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The exemption in § 13.621(1)(c) applies only to service on ad hoc advisory committees established by state agencies to advise with respect to rule making. Moreover, service on a state board or committee may not be lobbying if the individual exercises independent judgement and is not a representative of his or her employer. OEB 92-6

March 24, 1992

Fact

[1] This opinion is based upon this understanding:

Individuals who work in or represent an industry are asked to serve on various state government boards, councils, and committees.

Question

[2] The Ethics Board understands your question to be:

To what extent, if at all, do Wisconsin's lobbying laws pertain to an individual's actions as a member of a state board, council or committee?

Discussion

[3] You ask whether § 13.621(1)(e), *Wisconsin Statutes*,<sup>1</sup> exempts service on specific boards, councils, and committees from coverage of the lobbying law. No, that provision states that the lobbying law does not pertain to an individual's participation as a member of an ad hoc advisory committee established by a state agency to advise with respect to rule making. In contrast, the entities about which you ask are statutorily-created agencies.

[4] To the extent that an individual is acting as a member of a state board, council, or authority, in an official capacity and not in a representational capacity for a private employer or association, the individual's activities in attempting to influence legislation or administrative rules is not lobbying on

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<sup>1</sup> §13.621(1)(e), *Wisconsin Statutes*, provides:

**13.621 Exemptions. (1) COMPLETE EXEMPTION FOR CERTAIN CONDUCT.**  
This subchapter does not apply to the following activities:

(e) Participation as a member in the deliberations of a committee under s. 227.13 or any committee of the legislature.

behalf of another. A member of a board, council or authority who, via his or her membership, represents the views of his or her employer with respect to the council's development or promulgation of rules is a lobbyist; the individual should be licensed and the employer registered. But if the individual exercises independent judgement and is not acting on behalf of his or her employer, the individual is not a lobbyist. The test is whether the individual is selected to exercise independent judgement or is a representative of his or her employer.

#### Advice

[5] Individuals serving on state boards, councils and authorities are not subject to the lobbying law if the individual is selected to exercise independent judgement and is not a representative of his or her employer.