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BRUCE E. BABBITT  
ATTORNEY GENERAL

June 20, 1975

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**ARIZONA ATTORNEY GENERAL**

Honorable Keith W. Hubbard  
State Representative  
House Wing, State Capitol  
Phoenix, Arizona 85007

Dear Representative Hubbard:

We are in receipt of your letter, dated March 6, 1975, in which you inquire as follows:

Does Section 41-1232 require architects and engineers, as individuals and/or as firms, to register as lobbyists if they appear before a state agency on any matter for which they are receiving compensation from their clients?

A.R.S. § 41-1232 reads in pertinent part as follows:

Any person who receives any contributions or compensation or expends any money for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of this state or for the purpose of attempting to influence the actions of any state officer, agency, board, commission or council shall register with the secretary of state before doing anything in furtherance of such object. . . . .  
[Emphasis added] A.R.S. § 41-1232.A

In Attorney General Opinion No. 75-3, referring to the above-quoted provision, the Attorney General stated:

Based on a plain reading of the above-quoted provision, it is our opinion that a person is required to register BEFORE DOING ANYTHING IN FURTHERANCE OF EITHER (1) attempting to influence the passage or defeat of any legislation by the Legislature of this state or (2) attempting to influence the actions of

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any state officer, agency, board, commission or council, if such person receives any contributions or compensation or expends any money for any of such purposes.

Accordingly, if either an architect or an engineer receives compensation for the purpose of "attempting to influence the actions of any state officer, agency, board, commission or council", the registration and reporting requirements of A.R.S. § 41-1232 are applicable.

We think that an appearance by an architect or an engineer before a state agency in support of a client's position constitutes an attempt to influence the actions of such state agency. We think further that none of the exemptions in A.R.S. § 41-1232.E embraces an architect or engineer appearing before a state agency in support of a client's position.

We are confronted repeatedly by the suggestion to the effect that "the Legislature could not have intended that the registration and reporting requirements of A.R.S. § 41-1232 have such a broad application". Our response continues to be that (1) when the language of the statute is plain and unambiguous, leading to only one meaning, that meaning is to be followed, Sloatman v. Gibbons, 104 Ariz. 429, 454 P.2d 574 (1969), and (2) we are without license to question the wisdom of legislative action.

We are guided particularly by the reasoning of Arizona's Supreme Court, as reflected in the following statement in Kilpatrick v. Superior Court, 105 Ariz. 413, 466 P.2d 18 (1970):

There is no magic in statutory construction and no legal legerdemain should be used to change the meaning of simple English words so that the resulting interpretation conforms the statute to the sociological and economic views of judges or lawyers. Words are to be given their usual and commonly understood meaning unless it is plain or clear that a different meaning was intended . . .

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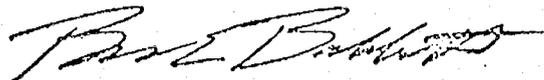
Courts are not at liberty to impose their views of the way things ought to be simply because that's what must have been intended, otherwise no statute, contract or recorded word, no matter how explicit, could be saved from judicial tinkering. Moreover, if the sense of a word is not to be taken in its usual and commonly understood meaning except under circumstances where a different meaning is clearly intended, it becomes impossible for men to mean what is said or say what they mean and purposeful communication is unattainable.

105 Ariz. at pp. 421, 422

One further thought is considered appropriate. Article 8.1 of Chapter 7 of Title 41, A.R.S., is entitled "Registration and regulation of lobbyists". However, the word "lobbyist" is not employed in the text of the registration and reporting requirements and, in fact, the registration and reporting requirements extend to persons other than "lobbyists" in the traditional sense of the word. The registration and reporting requirements are applicable to persons attempting to influence the actions of officials of the executive branch of government; historically, by "lobbyist" has been meant a person who attempts to influence the actions of members of the legislative branch of government.

Without expressing any conclusions from the above, we simply note that the scope of activities defined by the registration of reporting requirements is not limited to "lobbying" in the traditional sense of the word. Accordingly, the fact that a person registers and reports pursuant to the requirements of A.R.S. § 41-1232 does not constitute--in and of itself--a declaration by such person that he or she is a lobbyist in the traditional sense of the word.

Sincerely,



BRUCE E. BABBITT  
Attorney General

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