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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2657

03/05/2012 Authored by Winkler; Murphy, E.; Hornstein; Greene; Gauthier and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to campaign finance; adding requirements to lobbyists or principals
1.3 related to model legislation; adding requirements to principals and public officials
1.4 related to scholarship funds; amending Minnesota Statutes 2010, sections
1.5 10A.01, subdivisions 21, 33, by adding subdivisions; 10A.04, subdivision 6;
1.6 10A.09, subdivision 5.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2010, section 10A.01, subdivision 21, is amended to
1.9 read:

1.10 Subd. 21. Lobbyist. (a) "Lobbyist" means an individual:

1.11 (1) engaged for pay or other consideration of more than \$3,000 from all sources in
1.12 any year for the purpose of attempting to influence legislative or administrative action, or
1.13 the official action of a metropolitan governmental unit, by communicating or urging others
1.14 to communicate with public or local officials; or

1.15 (2) who spends more than \$250, not including the individual's own traveling
1.16 expenses and membership dues, in any year for the purpose of attempting to influence
1.17 legislative or administrative action, or the official action of a metropolitan governmental
1.18 unit, by communicating or urging others to communicate with public or local officials; or

1.19 (3) who attempts to influence legislative adoption of model legislation written or
1.20 distributed by a principal.

1.21 (b) "Lobbyist" does not include:

1.22 (1) a public official;

1.23 (2) an employee of the state, including an employee of any of the public higher
1.24 education systems;

1.25 (3) an elected local official;

2.1 (4) a nonelected local official or an employee of a political subdivision acting in
 2.2 an official capacity, unless the nonelected official or employee of a political subdivision
 2.3 spends more than 50 hours in any month attempting to influence legislative or
 2.4 administrative action, or the official action of a metropolitan governmental unit other
 2.5 than the political subdivision employing the official or employee, by communicating
 2.6 or urging others to communicate with public or local officials, including time spent
 2.7 monitoring legislative or administrative action, or the official action of a metropolitan
 2.8 governmental unit, and related research, analysis, and compilation and dissemination of
 2.9 information relating to legislative or administrative policy in this state, or to the policies of
 2.10 metropolitan governmental units;

2.11 (5) a party or the party's representative appearing in a proceeding before a state
 2.12 board, commission, or agency of the executive branch unless the board, commission,
 2.13 or agency is taking administrative action;

2.14 (6) an individual while engaged in selling goods or services to be paid for by
 2.15 public funds;

2.16 (7) a news medium or its employees or agents while engaged in the publishing or
 2.17 broadcasting of news items, editorial comments, or paid advertisements which directly
 2.18 or indirectly urge official action;

2.19 (8) a paid expert witness whose testimony is requested by the body before which the
 2.20 witness is appearing, but only to the extent of preparing or delivering testimony; or

2.21 (9) a party or the party's representative appearing to present a claim to the legislature
 2.22 and communicating to legislators only by the filing of a claim form and supporting
 2.23 documents and by appearing at public hearings on the claim.

2.24 (c) An individual who volunteers personal time to work without pay or other
 2.25 consideration on a lobbying campaign, and who does not spend more than the limit in
 2.26 paragraph (a), clause (2), need not register as a lobbyist.

2.27 (d) An individual who provides administrative support to a lobbyist and whose salary
 2.28 and administrative expenses attributable to lobbying activities are reported as lobbying
 2.29 expenses by the lobbyist, but who does not communicate or urge others to communicate
 2.30 with public or local officials, need not register as a lobbyist.

2.31 Sec. 2. Minnesota Statutes 2010, section 10A.01, is amended by adding a subdivision
 2.32 to read:

2.33 Subd. 25a. **Model legislation.** "Model legislation" means legislation written or
 2.34 distributed by a principal to public officials of more than one state.

3.1 Sec. 3. Minnesota Statutes 2010, section 10A.01, subdivision 33, is amended to read:

3.2 Subd. 33. **Principal.** "Principal" means an individual or association that:

3.3 (1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist,
3.4 compensate a lobbyist, or authorize the expenditure of money by a lobbyist; ~~or~~

3.5 (2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar
3.6 year on efforts to influence legislative action, administrative action, or the official action
3.7 of metropolitan governmental units, as described in section 10A.04, subdivision 6; or

3.8 (3) drafts, promotes, or distributes model legislation to any public official of this
3.9 state with the purpose of influencing a public official to introduce the legislation or vote in
3.10 favor of the legislation.

3.11 Sec. 4. Minnesota Statutes 2010, section 10A.01, is amended by adding a subdivision
3.12 to read:

3.13 Subd. 35a. **Scholarship funds.** "Scholarship funds" means money or other financial
3.14 support given by a principal to, or on behalf of, a public official to reimburse or pay for all
3.15 or part of the costs of attending a conference, meeting, or event where model legislation
3.16 will be presented, discussed, distributed, or made available.

3.17 Sec. 5. Minnesota Statutes 2010, section 10A.04, subdivision 6, is amended to read:

3.18 Subd. 6. **Principal reports.** (a) A principal must report to the board as required in
3.19 this subdivision by March 15 for the preceding calendar year.

3.20 (b) The principal must report the total amount, rounded to the nearest \$20,000,
3.21 spent by the principal during the preceding calendar year to influence legislative action,
3.22 administrative action, and the official action of metropolitan governmental units.

3.23 (c) The principal must report under this subdivision a total amount that includes:

3.24 (1) all direct payments by the principal to lobbyists in this state;

3.25 (2) all expenditures for advertising, mailing, research, analysis, compilation and
3.26 dissemination of information, and public relations campaigns related to legislative action,
3.27 administrative action, or the official action of metropolitan governmental units in this
3.28 state; and

3.29 (3) all salaries and administrative expenses attributable to activities of the principal
3.30 relating to efforts to influence legislative action, administrative action, or the official
3.31 action of metropolitan governmental units in this state.

3.32 (d) A principal that grants scholarship funds for a public official to attend a
3.33 conference, meeting, or event must report:

4.1 (1) the names of all public officials that received scholarship funds for attendance
4.2 at the conference, meeting, or event; and

4.3 (2) the names of any entity or individuals who contributed money towards
4.4 scholarship funds; when possible, the report must identify the entities or individuals who
4.5 contributed to each recipient's scholarship.

4.6 Sec. 6. Minnesota Statutes 2010, section 10A.09, subdivision 5, is amended to read:

4.7 Subd. 5. **Form.** A statement of economic interest required by this section must be
4.8 on a form prescribed by the board. The individual filing must provide the following
4.9 information:

4.10 (1) name, address, occupation, and principal place of business;

4.11 (2) the name of each associated business and the nature of that association;

4.12 (3) a listing of all real property within the state, excluding homestead property, in
4.13 which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as
4.14 buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued
4.15 in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value
4.16 of \$50,000 or more;

4.17 (4) a listing of all real property within the state in which a partnership of which the
4.18 individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as
4.19 buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of
4.20 the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property
4.21 has a fair market value of \$50,000 or more. A listing under clause (3) or (4) must indicate
4.22 the street address and the municipality or the section, township, range and approximate
4.23 acreage, whichever applies, and the county in which the property is located; ~~and~~

4.24 (5) a listing of any investments, ownership, or interests in property connected with
4.25 pari-mutuel horse racing in the United States and Canada, including a racehorse, in which
4.26 the individual directly or indirectly holds a partial or full interest or an immediate family
4.27 member holds a partial or full interest; and

4.28 (6) a listing of all scholarship funds received, or paid on the individual's behalf, the
4.29 amount of each scholarship, the granting entity, and the conference, meeting, or event for
4.30 which the scholarship funds were granted.