

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 822

(SENATE AUTHORS: MARTY, Pappas and Carlson)

DATE	D-PG	OFFICIAL STATUS
02/28/2013	439	Introduction and first reading Referred to State and Local Government

1.1

A bill for an act

1.2

relating to openness in government; requiring conference committee and budget

1.3

negotiations to be open to the public; requiring additional disclosure of economic

1.4

interests of public officials; prohibiting former legislators, constitutional officers,

1.5

and agency heads from lobbying for two years after leaving office; requiring

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additional disclosure of lobbying and lobbyist contributions; requiring certain

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reports of lobbying activity; amending Minnesota Statutes 2012, sections 3.055,

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subdivision 1; 10A.01, subdivision 5; 10A.04, subdivisions 4, 6; proposing

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coding for new law in Minnesota Statutes, chapter 10A.

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

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Section 1. Minnesota Statutes 2012, section 3.055, subdivision 1, is amended to read:

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Subdivision 1. **Meetings to be open.** (a) Meetings of the legislature shall be open

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to the public, including sessions of the senate, sessions of the house of representatives,

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joint sessions of the senate and the house of representatives, and meetings of a standing

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committee, committee division, subcommittee, conference committee, or legislative

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commission, but not including a caucus of the members of any of those bodies from the

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same house and political party nor a delegation of legislators representing a geographic

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area or political subdivision. For purposes of this section, a meeting occurs when a quorum

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is present and action is taken regarding a matter within the jurisdiction of the body.

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(b) In addition to the openness requirements imposed on conference committees by

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paragraph (a), from the time a conference committee is appointed until it is disbanded,

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any negotiations between senate and house of representatives members of the conference

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committee or senate and house of representatives staff members related to the conference

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committee or the bill referred to the conference committee must be open to the public.

(c) A meeting between the majority leader of the senate and the speaker of the house or the majority leader of the house of representatives to negotiate budget targets or formally negotiate the state budget must be open to the public.

(d) A meeting with the governor to negotiate budget targets or formally negotiate the state budget must be open to the public if the meeting includes any of the following members of the legislature:

(1) the majority leader of the senate;

(2) the speaker of the house or majority leader of the house of representatives; or

(3) the minority leader of either the senate or house of representatives.

(e) Each house shall provide by rule for posting notices of meetings, recording proceedings, and making the recordings and votes available to the public.

Sec. 2. Minnesota Statutes 2012, section 10A.01, subdivision 5, is amended to read:

Subd. 5. **Associated business.** (a) "Associated business" means ~~an~~ a person or association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.

(b) Associated business also means a lobbyist, principal, or interested person by whom the individual is compensated in excess of \$200 per year, except for actual and reasonable expenses, for providing services as an independent contractor or consultant. If an individual is compensated by a person or association for providing services to a lobbyist, principal, or interested person, associated business includes both the person or association that pays the compensation and the lobbyist, principal, or interested person to whom the services are provided.

(c) "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that the individual receiving the compensation is authorized to make as a public or local official or will be authorized to make upon becoming a public or local official. To be direct, the financial interest of the person or association paying the compensation to the individual must be of greater consequence to the payer than the general interest of other residents or taxpayers of the individual's governmental unit.

Sec. 3. **[10A.035] LOBBYING RESTRICTION.**

An individual may not act as a lobbyist who attempts to influence legislative or administrative action for two years after leaving one of the following offices or positions:

(1) member of the legislature;

(2) constitutional officer; or

(3) commissioner, deputy commissioner, assistant commissioner, or head of any state department or agency.

Sec. 4. Minnesota Statutes 2012, section 10A.04, subdivision 4, is amended to read:

Subd. 4. **Content.** (a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period.

(b) A lobbyist must report a general description of the subject or subjects on which the lobbyist lobbied on behalf of each principal.

(c) A lobbyist must report the unitemized total amount of all income from the principal for lobbying activities on behalf of the principal, rounded to the nearest \$10,000. The unitemized total must include amounts paid to cover the lobbyist's salary and administrative expenses. The report must include any payments to the lobbyist by any other person for lobbying activities on behalf of the principal.

~~(b)~~ (d) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

~~(e)~~ (e) A lobbyist must report the amount and nature of each gift, item, or benefit, ~~excluding contributions to a candidate~~, equal in value to \$5 or more, and each contribution to a candidate, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or ~~an employer or employee~~ at the direction of the lobbyist. The list must include the name and address of each official to whom the gift, item, ~~or benefit~~, or contribution was given or paid and the date it was given or paid.

~~(d)~~ (f) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the

name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.

~~(e) On the report due June 15, the lobbyist must provide a general description of the subjects lobbied in the previous 12 months.~~

(g) A lobbyist must report the amount and date of each contribution given by the lobbyist to a party organization within a house of the legislature.

Sec. 5. Minnesota Statutes 2012, section 10A.04, subdivision 6, is amended to read:

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

(b) Except as provided in paragraph (d), the principal must report the total amount, ~~rounded to the nearest \$20,000,~~ spent by the principal during the preceding calendar year to influence legislative action, the total amount spent by the principal during the preceding calendar year to influence administrative action, and the total amount spent by the principal during the preceding calendar year to influence the official action of metropolitan governmental units.

(c) Except as provided in paragraph (d), the principal must report under this subdivision a total amount that includes:

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

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

(3) all salaries and administrative expenses attributable to activities of the principal or a lobbyist engaged by the principal relating to efforts on behalf of the principal to influence legislative action, administrative action, or the official action of metropolitan governmental units in this state.

(d) A principal that must report spending to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243 must report those amounts as provided in this subdivision, except that they must be reported separately and not included in the totals required under paragraphs (b) and (c).

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.