

ate by January 15, 1996 and within 30 days after expiration of the monitoring of the job guarantee agreement under subdivision 3. These written reports must list the number of full-time equivalent employment positions added by the owner of the facility in St. Cloud after construction of the facility. In addition, the reports must indicate whether any of these positions were transferred from other locations in Minnesota.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective upon compliance by the governing body of the city of St. Cloud with Minnesota Statutes, section 645.021, subdivision 2.

Presented to the governor March 18, 1994

Signed by the governor March 22, 1994, 11:43 a.m.

CHAPTER 377—H.F.No. 1863

An act relating to ethics in government; requiring lobbyists to report gifts of \$5 or more; prohibiting gifts by lobbyists and interested persons to certain officials under certain conditions; regulating certain solicitations by political party units; revising procedure for advisory opinions; amending Minnesota Statutes 1992, sections 10A.02, subdivision 12; 10A.04, subdivision 4; and 10A.065, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 10A; and 471.

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

Section 1. Minnesota Statutes 1992, section 10A.02, subdivision 12, is amended to read:

Subd. 12. **ADVISORY OPINIONS.** (a) The board may issue and publish advisory opinions on the requirements of this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. ~~Am~~

(b) A written advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion: issued by the board is binding on the board in any subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do

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anything that might be necessary to comply with the amended or revoked opinion;

(2) the request has omitted or misstated material facts; or

(3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

(c) A request for an opinion and the opinion itself are nonpublic data. The board, however, may publish an opinion or a summary of an opinion, but may not include in the publication the name of the requester, the name of a person covered by a request from an agency or political subdivision, or any other information that might identify the requester unless the person consents to the inclusion.

Sec. 2. Minnesota Statutes 1992, section 10A.04, subdivision 4, is amended to read:

Subd. 4. (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall 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.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to ~~\$50~~ \$5 or more, given or paid to any public or local official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public or local official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid. A lobbyist need report only the aggregate amount and nature of food or beverages given or made available to all members of the legislature or a house of the legislature or to all members of a local legislative body, along with the name of the legislative body and the date it was given or made available.

(d) Each lobbyist shall report each original source of funds in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, each such source of funds used to influence administrative action, and each such source of funds used to influence the official action of metropolitan governmental units. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1992, section 10A.065, is amended by adding a subdivision to read:

Subd. 1a. PARTY UNIT SOLICITATIONS. A political party unit shall not solicit or receive at an event hosted by a candidate for the legislature or by a candidate for constitutional office a contribution from a lobbyist, political committee, or political fund during a regular session of the legislature.

Sec. 4. Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 5, is amended to read:

Subd. 5. POLITICAL COMMITTEE. Except as provided in subdivision 1a, this section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by a candidate for a judicial office; or to a member of such a political committee acting solely on behalf of the committee.

Sec. 5. [10A.071] CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

Subd. 2. PROHIBITION. A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. EXCEPTIONS. (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 7;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

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(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting 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.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

Sec. 6. [471.895] CERTAIN GIFTS BY INTERESTED PERSONS PROHIBITED.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Gift" has the meaning given it in section 10A.071, subdivision 1.

(c) "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

(d) "Local official" means an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city.

Subd. 2. PROHIBITION. An interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person.

Subd. 3. EXCEPTIONS. (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 211A.01, subdivision 5;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

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(7) food or a beverage given at a reception, meal, or meeting 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.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given to the other members of the group; or

(2) by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

Presented to the governor March 18, 1994

Signed by the governor March 22, 1994, 11:41 a.m.

CHAPTER 378—H.F.No. 1956

An act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

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

Section 1. COUNTY PROVISION OF PUBLIC LIBRARY SERVICE.

Notwithstanding Minnesota Statutes, section 134.08, the city of Anoka shall discontinue provision of library service and the county of Anoka shall assume responsibility for provision of library service to the residents of the city of Anoka effective January 1, 1995, in accordance with the terms of the agreement for merger entered into between the city of Anoka and the county of Anoka dated November 23, 1993.

Sec. 2. LOCAL APPROVAL.

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of the county of Anoka and the city of Anoka.

Presented to the governor March 24, 1994

Signed by the governor March 28, 1994, 11:27 a.m.

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