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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4679

03/07/2024 Authored by Coulter and Virnig The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to lobbyist registration; exempting certain activities from the definition
1.3 of "lobbyist"; requiring the Campaign Finance and Public Disclosure Board to
1.4 conduct a study; amending Minnesota Statutes 2023 Supplement, section 10A.01,
1.5 subdivision 21.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 10A.01, subdivision 21, is
1.8 amended to read:

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

1.10 (1) engaged for pay or other consideration of more than \$3,000 from all sources in any
1.11 year:

1.12 (i) for the purpose of attempting to influence legislative or administrative action, or the
1.13 official action of a political subdivision, by communicating or urging others to communicate
1.14 with public or local officials; or

1.15 (ii) from a business whose primary source of revenue is derived from facilitating
1.16 government relations or government affairs services if the individual's job duties include
1.17 offering direct or indirect consulting or advice that helps the business provide those services
1.18 to clients; or

1.19 (2) who spends more than \$3,000 of the individual's personal funds, not including the
1.20 individual's own traveling expenses and membership dues, in any year for the purpose of
1.21 attempting to influence legislative or administrative action, or the official action of a political
1.22 subdivision, by communicating or urging others to communicate with public or local officials.

2.1 (b) "Lobbyist" does not include:

2.2 (1) a public official;

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

2.5 (3) an elected local official;

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

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

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

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

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

2.25 (9) a party or the party's representative appearing to present a claim to the legislature
2.26 and communicating to legislators only by the filing of a claim form and supporting documents
2.27 and by appearing at public hearings on the claim;

2.28 (10) an individual providing information, data, advice, professional opinions, variables,
2.29 options, or direction on a topic on which the individual has particular expertise through
2.30 education, training, or experience, to a person who otherwise qualifies as a lobbyist under
2.31 this subdivision, or to an elected or nonelected local official, at the lobbyist or local official's
2.32 request and without attempting to influence an official action political subdivision; or

3.1 (11) an individual providing information or advice to members of a collective bargaining
3.2 unit when the unit is actively engaged in the collective bargaining process with a state
3.3 agency or a political subdivision.

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

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

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.12 applies to activities occurring on or after that date.

3.13 Sec. 2. **STATE AND LOCAL LOBBYING ACTIVITY; STUDY REQUIRED.**

3.14 The Campaign Finance and Public Disclosure Board must study and, if appropriate,
3.15 make recommendations to the legislature on the definition of "lobbyist" for purposes of the
3.16 Minnesota Statutes. The study and recommendations must focus primarily on whether the
3.17 law does or should distinguish between activities that constitute lobbying of a state
3.18 government official and activities that constitute lobbying of a local official. If the study
3.19 determines that a distinction between these activities is appropriate, the board must
3.20 recommend options for the legislature to consider in adopting that distinction by law. The
3.21 board must submit a report describing the study, its results, and any associated
3.22 recommendations to the chairs and ranking minority members of the legislative committees
3.23 with jurisdiction over campaign finance and lobbyist registration policy no later than January
3.24 15, 2025.