

## CHAPTER 4510

### ETHICAL PRACTICES BOARD

### LOBBYIST REGISTRATION AND REPORTING

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#### 4510.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4510.0100 to 4510.1400 the terms defined in this part have the meanings given to them.

Subp. 1a. **Address.** "Address" means, for an individual, the individual's home mailing address or, for an association, the place where the association conducts its business, including the street and number, the post office box or rural route, if appropriate, the room number, and the city, state, and zip code. An individual may provide a business address rather than a home mailing address.

Subp. 2. **Board.** "Board" means the Ethical Practices Board.

Subp. 3. **File; filed; filing.** "File," "filed," and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 4. **Lobbyist.** "Lobbyist" means an individual as set forth in Minnesota Statutes, section 10A.01, subdivision 11. "Lobbyist" does not include an individual who merely communicates with a public official to obtain information or request an interpretation of a law, rule, or agency action.

Subp. 5. **Urging/urges others to communicate.** "Urging/urges others to communicate" means any written or oral communication by a lobbyist which requests that an individual or association advocate a particular position to a public official concerning any legislative action or administrative action, or which requests an individual or association to advocate a public official initiate any particular legislative or administrative action. The term does not include mere presentation of factual material without comment.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *11 SR 1611*

#### 4510.0200 PURPOSE.

The purpose of parts 4510.0100 to 4510.1400 is to implement the lobbyist registration and reporting provisions of Minnesota Statutes, chapter 10A.

**Statutory Authority:** *MS s 10A.02 subd 13*

#### 4510.0300 OBLIGATION TO REGISTER.

Subpart 1. **Compliance.** An individual shall register as a lobbyist as required by Minnesota Statutes, sections 10A.01, subdivision 11, and 10A.03, subject to the following.

Subp. 2. **Attendance at legislative or administrative hearings.** For purposes of determining time calculation necessary to require registration as a lobbyist, mere attendance at a public hearing without testifying or communicating with a public official shall not be considered time spent attempting to influence a legislative or administrative action.

**Subp. 3. Paid expert witness registration.** An individual who is hired or paid by a lobbyist as an expert witness and whose testimony is requested by a legislative committee, or an agency defined by Minnesota Statutes, section 14.02, subdivision 2, or a state administrative law judge shall not be required to register as a lobbyist if the committee, agency, or administrative law judge, by order, resolution, recorded vote, or other formal means requests such expert testimony. This exclusion is applicable only to the extent of preparing or delivering the requested testimony.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *L 1984 c 640 s 32*

### 4510.0400 OBLIGATION TO REPORT.

**Subpart 1. Lobbyist disbursement report.** A lobbyist shall file a lobbyist disbursement report on each reporting date indicating whether or not the lobbyist has any reportable disbursements during a reporting period.

**Subp. 2. Alternative report.** Notwithstanding subpart 1, a lobbyist whose reportable disbursements in a reporting period total less than \$100 and whose disclosure under part 4510.0600 would be less than \$20 may file a statement to that effect in lieu of a lobbyist disbursement report. All previously unreported disbursements shall be disclosed annually on the October 15 report, even though the total for the year is less than \$100.

**Subp. 3. Termination report.** A lobbyist who terminates his registration as a lobbyist prior to a reporting date shall file a lobbyist disbursement report through the date of termination. If an individual subsequently renews lobbyist activity, the individual shall reregister as required by Minnesota Statutes, section 10A.03, subdivision 1.

**Statutory Authority:** *MS s 10A.02 subd 13*

### 4510.0500 DISBURSEMENT REPORTS.

**Subpart 1. Lobbyists covered by report.** A lobbyist shall identify the names and, if known, the registration numbers of other lobbyists for whom he is reporting.

**Subp. 2. Names and addresses of directors and officers.** On January 15 of each year a lobbyist shall file a current list of names and addresses of directors and officers of the association that he represents if there have been changes in the membership of said boards during the preceding calendar year.

**Subp. 3. Total disbursements.** A lobbyist disbursement report shall include the total disbursements for the reporting period by the lobbyist, and any employer or employee of the lobbyist, for lobbyist activities in each of the following categories:

**A. Preparation and distribution of lobbying materials.** This category shall include all disbursements for preparation and distribution of printed material, publication, film, slide, recording and video tape. Lobbying material means any material, except media advertising, which is prepared or purchased by a lobbyist for a lobbying purpose. The cost of researching and writing reports from which data is used in preparing lobbying materials is not reportable as a lobbyist disbursement even if the individual preparing the research material is a registered lobbyist. The cost of preparation, printing, and distribution of a newsletter or other publication, including but not limited to a reasonable estimate of pro rata office expenses and compensation paid to employees for the preparation of such a publication or a portion of the publication, shall be reported as a lobbyist disbursement if used for a lobbying purpose. Only the cost of that portion of a newsletter or publication which is lobbying material shall be reported as a lobbyist disbursement.

**B. Media advertising.** This category shall include only lobbyist disburse-

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ments for billboards, newspapers, radio and television time purchased for a lobbying purpose. The term does not include mere presentation of factual material without comment.

C. Telegraph and telephone. The cost includes a reasonable estimate of a pro rata share of business office telephone expense incurred for lobbying purposes.

D. Postage.

E. Fees and allowances. This category shall include disbursements for consulting fees, or other fees, for services done or to be done, as well as expenses incurred in rendering such services. This category shall not include compensation paid to the lobbyist by his employer for services rendered as a lobbyist on behalf of the employer.

F. Entertainment. This category shall include lobbyist disbursements for entertainment provided to public officials including but not limited to sporting, theatrical, and musical events, as well as the cost of entertainment for the lobbyist, and the employer or employee of the lobbyist, when in the company of the public official for a lobbying purpose.

G. Food and beverages. This category shall include: all disbursements for food and beverages provided to public officials, as well as food and beverages for the lobbyist, and any employer or employee of the lobbyist, when in the company of a public official for a lobbying purpose; all disbursements for food and beverages provided to public officials who are invited to conferences, conventions, banquets, legislative days, or other similar functions for a lobbying purpose; the cost of food and beverages provided by a lobbyist, the employer or employee of the lobbyist, at meetings or conferences for the purpose of urging others to communicate with public officials; the cost of food and beverages provided to expert witnesses by a lobbyist, the employer or employee of the lobbyist, when paid expert witnesses are brought to testify before legislative committees or in hearings conducted pursuant to Minnesota Statutes, sections 14.05 to 14.36, if the paid expert witness does not register as a lobbyist.

H. Travel and lodging. This category shall include: all disbursements for travel and lodging of the lobbyist, any employer or employee of the lobbyist, or those provided to a public official, for a lobbying purpose, except those incurred for the purpose of enabling the lobbyist, or any employer or employee of the lobbyist, to attend a meeting of or to appear before a committee of the legislature, or a state board, commission, or agency; the cost of travel and lodging for the lobbyist, the employer or employee of the lobbyist when in the company of a public official for a lobbying purpose; the cost of travel and lodging paid by a lobbyist, the employer or employee of the lobbyist when urging others to communicate with public officials; the cost of travel and lodging paid by a lobbyist, the employer or employee of the lobbyist, to bring paid expert witnesses to testify before legislative committees or in hearings conducted pursuant to Minnesota Statutes, sections 14.05 to 14.36, if the paid expert witness does not register as a lobbyist; the cost of travel and lodging paid by a lobbyist to transport individuals for the purpose of lobbying.

I. Other disbursements. This category shall include a reasonable estimate of a pro rata share of compensation paid to clerical employees incurred for the purpose of lobbying if not reported in the categories in items A to H.

**Statutory Authority:** *MS s 10A.02 subd 13*

**4510.0600 DISCLOSURE OF GIFTS, LOANS, HONORARIUMS, ITEMS, OR BENEFITS.**

**Subpart 1. General requirements.** The lobbyist shall report the name and address of each public official receiving any gift, honorarium, loan, item, or benefit from the lobbyist, or any employer or employee of the lobbyist, equal in value to \$50 or more in a single transaction, to include the amount, the date on which

it was received, and a description of the transaction, whether or not it was given for lobbying purposes, in the following categories.

**Subp. 2. Gifts or benefits.** The gifts or benefits category shall include, but not be limited to, entertainment, food, beverage, travel, and lodging as defined in parts 4510.0500 to 4510.0700, given or paid voluntarily by the lobbyist, or any employer or employee of the lobbyist, to a public official without the public official's providing full and adequate consideration. This category shall not include campaign contributions.

**Subp. 3. Loans.** The loans category shall include loans, given or paid voluntarily by the lobbyist, or any employer or employee of the lobbyist, to a public official which the public official agrees to return at some future time or to repay with something of value, except loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

**Subp. 4. Honorariums.** The honorariums category shall include a payment paid voluntarily by the lobbyist, or the employer or employee of the lobbyist, to a public official for services for which there is no obligation to make repayment; for example, honorariums paid for speeches, articles, or similar services.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *10 SR 1266*

**4510.0700 ORIGINAL SOURCE OF FUNDS.**

The lobbyist shall report the following information as to the original source of funds in excess of \$500 in the calendar year used for the purpose of lobbying: the name, address, and employer, or if self-employed, the occupation and principal place of business, of each original source of funds in excess of \$500. It shall not include the amount paid. For reporting purposes, "original source of funds" shall mean any individual or association who disburses \$500 or more in any year directly to the lobbyist, or to any employer of the lobbyist, to be used for purposes of lobbying, including fees or salary paid to a lobbyist as compensation.

**Statutory Authority:** *MS s 10A.02 subd 13*

**4510.0800 LOBBYIST RETAINED BY MORE THAN ONE EMPLOYER.**

A lobbyist retained by or representing more than one employer shall submit a separate lobbyist registration form and separate lobbyist disbursement report for each employer by whom the lobbyist is retained. If a disbursement has been made on behalf of more than one employer, the lobbyist must report a reasonable allocation for each employer.

**Statutory Authority:** *MS s 10A.02 subd 13*

**4510.0900 EMPLOYERS WHICH EMPLOY MORE THAN ONE LOBBYIST.**

If the same person or association employs or is represented by more than one lobbyist, each lobbyist must register separately. However, one registered lobbyist may report all the disbursements for lobbying purposes made by all lobbyists representing a common employer, person, or association. In such case, the lobbyist reporting all the disbursements must indicate the names of the other lobbyists for whom disbursements are being reported. A lobbyist, so represented, must file lobbyist disbursement reports specifying the name of the lobbyist who will report total disbursements on behalf of the joint employer.

**Statutory Authority:** *MS s 10A.02 subd 13*

**4510.1000 LOBBYIST DISBURSEMENTS FOR ADMINISTRATIVE ACTIONS.**

A lobbyist who does both legislative and administrative lobbying for the

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same entity in a reporting period shall disclose disbursements for administrative lobbying and disbursements for legislative lobbying in the categories specified in part 4510.0500, subpart 3, on the applicable lobbyist disbursement report.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *11 SR 1611*

**4510.1100 AGENCY SOLICITATION OF OUTSIDE OPINIONS.**

For purposes of registration and reporting lobbyist activity, an administrative action commences in administrative rulemaking when a state agency publishes a notice in the State Register, as required by Minnesota Statutes, section 14.10 or takes such other formal action provided by law to commence the rule-making process.

**Statutory Authority:** *MS s 10A.02 subd 13*

**4510.1200 LATE FILING FEES.**

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *12 SR 1809*

**4510.1300 WAIVER OF LATE FILING FEES.**

The board shall grant a waiver of a late filing fee if the board is satisfied that the statement or report was not filed on time due to sickness, injury, or other compelling reason upon receipt of a written request for a waiver.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *10 SR 1266*

**4510.1400 CONTESTED CASE HEARING.**

**Subpart 1. Representative of a party must register.** A representative of a party to a contested case rate proceeding before a state administrative law judge is required to register as a lobbyist provided other qualifying requirements of Minnesota Statutes, section 10A.01, subdivision 11 are met.

**Subp. 2. Attempt to influence appeals.** An individual who attempts to influence appeals proceedings which may follow determination of a rate, power plant and powerline siting, or granting of a certificate of need under Minnesota Statutes, chapter 116J is not required to register as a lobbyist.

**Statutory Authority:** *MS s 10A.02 subd 13*

**History:** *L 1984 c 640 s 32*