

CHAPTER 4511
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE
BOARD
LOBBYIST REGISTRATION AND REPORTING

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4511.0010 SCOPE.

This chapter implements the lobbyist registration and reporting requirements of Minnesota Statutes, chapter 10A.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

4511.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, also apply to this chapter.

Subp. 1a. **Designated lobbyist.** "Designated lobbyist" means a lobbyist responsible for reporting the lobbying disbursements of the entity the lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist at any given time.

Subp. 2. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes, section 10A.071.

Subp. 3. **Lobbying.** "Lobbying" means attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Any activity that directly supports this communication is considered a part of lobbying.

Subp. 4. **Lobbyist's disbursements.** "Lobbyist's disbursements" include all disbursements for lobbying made by the lobbyist, the lobbyist's employer or employee, or any person or association represented by the lobbyist, but do not include compensation paid to the lobbyist.

Subp. 5. **Original source of funds.** "Original source of funds" means a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Subp. 6. **Public higher education system.** "Public higher education system" includes the University of Minnesota and the Minnesota State Colleges and Universities governed by Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of other entities with respect to whether or not they are also included within this definition.

Subp. 7. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for reporting lobbying disbursements of two or more lobbyists representing the same entity. Lobbying disbursements made on behalf of an entity may be reported by each individual lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of individual reports and reports from a reporting lobbyist.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779; 26 SR 1363*

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4511.0200 REGISTRATION.

Subpart 1. **Separate registration required for each entity.** A lobbyist who lobbies on behalf of more than one individual, association, political subdivision, or public higher education system shall register separately for each separate entity. Members or affiliates of an association represented by a lobbyist are not separate entities for the purposes of this requirement.

Subp. 2. **Separate registration for each lobbyist.** Multiple lobbyists representing the same individual, association, political subdivision, or higher education system must each register separately. A lobbyist who provides lobbying disbursements to the board through a reporting lobbyist must list the name and registration number of the reporting lobbyist on a lobbyist registration. If the reporting lobbyist changes, or if the lobbyist ceases to report through a reporting lobbyist, the lobbyist must amend the registration within ten days.

Subp. 3. **Registration of designated lobbyist.** A designated lobbyist must indicate on the lobbyist registration form that the lobbyist will be reporting disbursements for the entity the lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist. A designated lobbyist who ceases to be responsible for reporting the lobbying disbursements of an entity must amend the lobbyist's registration with the board within ten days.

Subp. 4. **Registration of reporting lobbyist.** A reporting lobbyist must indicate on the lobbyist registration form that the lobbyist will be reporting disbursements for additional lobbyists representing the same entity. The registration must list the name and registration number of each lobbyist that will be included in reports of disbursements made by the reporting lobbyist. Changes to the list of lobbyists represented by a reporting lobbyist must be amended on the reporting lobbyist registration within ten days, or provided to the board at the time of filing a report required by Minnesota Statutes, section 10A.04, subdivision 2.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779; 26 SR 1363*

4511.0300 PRINCIPALS.

Individuals or associations represented by lobbyists are presumed to be principals until they establish that they do not fall within the statutory definition of a principal.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

4511.0400 TERMINATION.

Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist disbursement report covering the period from the last report filed through the date of termination. If the lobbying disbursements of the lobbyist are reported by a reporting lobbyist, the nonreporting lobbyist may terminate by filing a lobbyist termination form and notifying the reporting lobbyist of all disbursements made by the lobbyist during the period from the last report filed through the date of termination.

Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist disbursement report covering the period from the last report filed through the date of termination. The termination of a reporting lobbyist reverts the reporting responsibility back to each lobbyist listed on the registration of the reporting lobbyist.

Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased lobbying for a particular entity may terminate registration using the procedure provided in subpart 1. When the designated lobbyist of a lobbying entity terminates, the entity is

responsible to assign the responsibility to report entity lobbying disbursements to another lobbyist.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779; 26 SR 1363*

4511.0500 LOBBYIST REPORTING REQUIREMENTS.

Subpart 1. **Separate reporting required for each entity.** A lobbyist must report separately for each entity for which the lobbyist is registered, unless the disbursements are reported in the manner provided in subpart 2.

Subp. 2. **Reporting by multiple lobbyists representing the same entity.** Items A to F apply if a single individual, association, political subdivision, or public higher education system is represented by more than one lobbyist.

A. The entity must appoint one designated lobbyist to report lobbyist disbursements made by the entity. The designated lobbyist must indicate that status on the periodic reports of lobbyist disbursements.

B. A reporting lobbyist may consent to report on behalf of one or more other lobbyists for the same entity, in which case, the other lobbyists are persons about whose activities the reporting lobbyist must disclose and are subject to the disclosure requirements of Minnesota Statutes, section 10A.04, subdivision 3. Lobbyist disbursement reports filed by a reporting lobbyist must include the names and registration numbers of the other lobbyists whose activities are included in the report.

C. Lobbyists whose activities are accounted for by a reporting lobbyist are not required to file lobbyist disbursement reports.

D. A lobbyist whose lobbying disbursements are provided to the board through a reporting lobbyist must supply all relevant information on disbursements to the reporting lobbyist no later than five days before the prescribed filing date.

E. The reporting periods and due dates for a reporting lobbyist are those provided in Minnesota Statutes, section 10A.04, subdivision 3. The board must notify by certified mail or personal service each reporting lobbyist that fails to file a required report within seven days of a statutory filing date. Additionally, the board must notify by certified mail or personal service each lobbyist listed on the registration of the reporting lobbyist of the failure of the reporting lobbyist to file in a timely manner. Within ten business days of the date on which the notice was sent, each lobbyist must report disbursements to the board. If a lobbyist fails to file a report within ten business days of the date on which the notice was sent by the board, the board may impose a late filing fee of \$5 per day, not to exceed a maximum of \$100, commencing with the 11th day after the notice was sent.

F. The reporting lobbyist must indicate the names and registration numbers of any lobbyists who did not provide their lobbying disbursements for inclusion in a report. The board must send notice by certified mail or personal service to a lobbyist who failed to provide the required disbursement information to the reporting lobbyist. The notice must require that the lobbyist file an individual lobbyist disbursement report within ten business days of the mailing of the notice. If a lobbyist fails to file a report within ten business days of the mailing of the notice, the board may impose a late filing fee of \$5 per day, not to exceed a maximum of \$100, commencing with the 11th day after receiving notice.

Subp. 3. **Report of officers and directors information.** With each report of lobbyist disbursements, a designated lobbyist must report any change in the name and address of:

A. each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears; or

B. if the lobbyist represents an association, each officer and director of the association.

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Subp. 4. **Limitation on reporting of loans.** A lobbyist is not required to report loans to a public official or a local official in a metropolitan governmental unit if:

A. the lobbyist's employer, principal, or association represented which made the loan is a financial institution; and

B. the loan was made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

Subp. 5. **Reporting gifts.** A gift to a public or local official from a principal for which a lobbyist is registered must be reported by the designated reporting lobbyist.

Statutory Authority: *MS s 10A.02; 10A.025*

History: *21 SR 1779; 26 SR 1363; 30 SR 903*

4511.0600 REPORTING DISBURSEMENTS.

Subpart 1. **Determination of actual costs required.** To the extent that actual costs of lobbying activities can be obtained or calculated by reasonable means, those actual costs must be determined, recorded, and used for reporting purposes.

Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity cannot be obtained or calculated through reasonable means, those costs must be reasonably approximated.

Subp. 3. **Disbursements allocated between multiple entities.** A disbursement for lobbying purposes that benefits more than one entity for which a lobbyist is separately registered must be allocated between the entities benefited on a reasonable basis and reported based on that allocation.

Subp. 4. **Disbursements which are only partially in support of lobbying.** A disbursement that is partially in support of lobbying and partially for a nonlobbying purpose must be allocated on a reasonable basis between the two purposes and the portion which is for lobbying activities must be reported.

Subp. 5. **Specific disbursement categories.** Lobbying disbursements must be reported based on the categories in items A to I.

A. "Lobbying materials" includes the cost of production, purchase, or other acquisition of materials that directly support lobbying.

B. "Media costs" includes the cost of media space or time, including Web site design and maintenance, used for lobbying activities. The cost of preparation of materials for use in the media is reported in the lobbying materials category.

C. "Telephone and communications" includes costs for local and long-distance telephone services, electronic mail, pagers, cellular telephones, facsimile distribution services, telegraph, and other communications services.

D. "Postage and distribution" includes costs of postage from the United States Postal Service as well as other distribution costs associated with lobbying activities.

E. "Fees and allowances" includes fees for consulting, surveys, polls, legal counsel, or other services as well as expenses associated with those services.

F. "Entertainment" includes costs of all entertainment associated with any situation where lobbying activities take place.

G. "Food and beverages" includes costs of all food and beverages associated with any situation where lobbying activities take place.

H. "Travel and lodging" includes costs of all travel and lodging associated with any lobbying activity, excluding the costs of the lobbyist's own travel to accomplish the lobbying activity.

I. "Other disbursements" includes general administration and overhead and any other lobbyist disbursements not reported in other categories.

Subp. 6. **Effect of gift prohibition.** The reporting requirements in this part do not change the scope of the statutory prohibition under Minnesota Statutes, section 10A.071, nor do they create additional exceptions to that prohibition.

Statutory Authority: *MS s 10A.02; 10A.025*

History: *21 SR 1779; 30 SR 903*

4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.

Subpart 1. **Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is not reportable by the lobbyist as a lobbyist disbursement.

Subp. 2. **Reporting by principal.** Compensation for lobbying paid by a lobbyist principal to a lobbyist or to the employer of a lobbyist must be included when determining the spending level categories for reporting by the lobbyist principal.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

4511.0800 ADMINISTRATIVE ACTION.

Subpart 1. **Commencement.** An administrative action to adopt, amend, or repeal rules pursuant to Minnesota Statutes, chapter 14, begins on publication of the notice required under Minnesota Statutes, section 14.101, subdivision 1, or at an earlier time when the official, board, commission, or agency undertaking the rulemaking takes the first formal action required by law to begin the rulemaking process. An administrative action for a purpose other than rulemaking begins when the commission or agency undertaking the action takes the first formal action required by statute to begin the action or as otherwise defined by statute.

Subp. 2. **Advisory committees.** Participation on an administrative rulemaking advisory committee established under Minnesota Statutes, section 14.101, subdivision 2, is not lobbying.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*