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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1102

02/19/2015 Authored by Howe

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to state government; prohibiting state or local elected officials from acting
1.3 as lobbyists; amending Minnesota Statutes 2014, section 10A.01, subdivision 21;
1.4 proposing coding for new law in Minnesota Statutes, chapter 10A.

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

1.6 Section 1. Minnesota Statutes 2014, section 10A.01, subdivision 21, is amended to read:

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

1.8 (1) engaged for pay or other consideration of more than \$3,000 from all sources in
1.9 any year for the purpose of attempting to influence legislative or administrative action, or
1.10 the official action of a metropolitan governmental unit, by communicating or urging others
1.11 to communicate with public or local officials; or

1.12 (2) who spends more than \$250, not including the individual's own traveling
1.13 expenses and membership dues, in any year for the purpose of attempting to influence
1.14 legislative or administrative action, or the official action of a metropolitan governmental
1.15 unit, by communicating or urging others to communicate with public or local officials.

1.16 (b) "Lobbyist" does not include:

1.17 (1) a public official;

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

1.20 (3) ~~an elected local official;~~

1.21 ~~(4)~~ a nonelected local official or an employee of a political subdivision acting in an
1.22 official capacity, unless the nonelected official or employee of a political subdivision spends
1.23 more than 50 hours in any month attempting to influence legislative or administrative
1.24 action, or the official action of a metropolitan governmental unit other than the political

2.1 subdivision employing the official or employee, by communicating or urging others to
 2.2 communicate with public or local officials, including time spent monitoring legislative or
 2.3 administrative action, or the official action of a metropolitan governmental unit, and related
 2.4 research, analysis, and compilation and dissemination of information relating to legislative
 2.5 or administrative policy in this state, or to the policies of metropolitan governmental units;

2.6 ~~(5)~~ (4) a party or the party's representative appearing in a proceeding before a state
 2.7 board, commission, or agency of the executive branch unless the board, commission,
 2.8 or agency is taking administrative action;

2.9 ~~(6)~~ (5) an individual while engaged in selling goods or services to be paid for by
 2.10 public funds;

2.11 ~~(7)~~ (6) a news medium or its employees or agents while engaged in the publishing or
 2.12 broadcasting of news items, editorial comments, or paid advertisements which directly
 2.13 or indirectly urge official action;

2.14 ~~(8)~~ (7) a paid expert witness whose testimony is requested by the body before which
 2.15 the witness is appearing, but only to the extent of preparing or delivering testimony; or

2.16 ~~(9)~~ (8) a party or the party's representative appearing to present a claim to the
 2.17 legislature and communicating to legislators only by the filing of a claim form and
 2.18 supporting documents and by appearing at public hearings on the claim.

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

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

2.26 **Sec. 2. [10A.055] ELECTED OFFICIALS NOT TO ACT AS LOBBYISTS.**

2.27 (a) A legislator, the governor, the lieutenant governor, the attorney general, the
 2.28 secretary of state, the state auditor, or an elected member of the governing body of a
 2.29 county, statutory or home rule charter city, town, or school district may not:

2.30 (1) be engaged for pay or other consideration of more than \$3,000 from all sources
 2.31 in any year for the purpose of attempting to influence legislative or administrative action,
 2.32 or the official action of a metropolitan governmental unit, by communicating or urging
 2.33 others to communicate with public or local officials; or

2.34 (2) spend more than \$250, not including the individual's own traveling expenses
 2.35 and membership dues, in any year for the purpose of attempting to influence legislative

3.1 or administrative action, or the official action of a metropolitan governmental unit, by
3.2 communicating or urging others to communicate with public or local officials.

3.3 (b) This section does not apply to an elected member of the governing body of a
3.4 county, statutory or home rule charter city, town, or school district who is attempting to
3.5 influence action that directly relates to the body to which the person is elected. An attempt
3.6 to influence action on behalf of the body on which the person serves does not make the
3.7 person a lobbyist.