

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

4511.0010	SCOPE.	4511.0500	REPORTING REQUIREMENTS.
4511.0100	DEFINITIONS.	4511.0600	REPORTING DISBURSEMENTS.
4511.0200	REGISTRATION.	4511.0700	REPORTING COMPENSATION PAID TO LOBBYIST.
4511.0300	PRINCIPALS.	4511.0800	ADMINISTRATIVE ACTION.
4511.0400	TERMINATION.		

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. 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.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

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.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

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.

A lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a final lobbyist disbursement report covering the period from the last report filed through the date of termination and indicating on the report that the lobbyist intends to terminate the particular registration as of the specified termination date.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

4511.0500 REPORTING REQUIREMENTS.

Subpart 1. Separate reporting required for each entity. A lobbyist must report separately for each entity for which the lobbyist is registered.

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

A. The entity must designate one lobbyist to report lobbyist disbursements made by the entity and the reporting lobbyist must indicate this designation on the periodic reports of lobbyist disbursements.

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

C. Lobbyists whose activities are reported by a designated reporting lobbyist must file lobbyist disbursement reports specifying the name and registration number of the lobbyist reporting on their behalf.

Subp. 3. Report of officers and directors information. With each report of lobbyist disbursements, each lobbyist, except those whose activities are reported by a designated reporting 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.

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 lobbyist who reports that principal's lobbying disbursements.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

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.

4511.0600 LOBBYIST REGISTRATION AND REPORTING

292

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.** 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 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 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*

History: *21 SR 1779*

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

MINNESOTA RULES 1997

293

LOBBYIST REGISTRATION AND REPORTING 4511.0800

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*