



# MINNESOTA CAMPAIGN FINANCE BOARD

**Date:** November 25, 2020

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Legislative recommendations for the lobbyist program

This memo will try to review the proposed legislative recommendations to the lobbyist program in a different way; namely what will the new reporting requirements look like in practice, and how does that compare with the information now being collected. To best illustrate the new reporting requirements in the legislative recommendations staff has developed a prototype online reporting application based on those requirements. The reporting application is available to try at [https://lobbyist.cfb.mn.gov/reporting\\_test/login](https://lobbyist.cfb.mn.gov/reporting_test/login) To sign on to the application use the username and password provided on the login page. The test application was done in record time by Jon Peterson, who manages web applications for the Board. However, it is a test application for demonstration and therefore is a little rough around the edges and contains some typos and awkward transitions. The test application is based on the existing reporting application for lobbyist disbursements, and will look familiar to any lobbyist who has previously reported online. The default for the test application is a self-reporting lobbyist who is also the designated lobbyist for the association.

**Lobbyist Information Screen:** The first screen provides the lobbyist with an opportunity to review and correct contact information on file with the Board. This is an existing screen in the current reporting application. Click on the “Continue” button on the upper right-hand corner of the screen.

LobLastName, LobFirstName (10000) / AssocName (10000)  
Period Covered: January 1 through May 31, 2020  
Due Date: 06/15/2020

[Return to Association Selection Page](#)      [Save report now and certify later](#)      [Continue](#)

---

**Filing Instructions**

The lobbyist disbursement report contains a Lobbyist Information section, a Lobbyist Disbursement Status section, and Schedules for providing detailed information. Each section and schedule is displayed on a separate screen. At the top of each screen are two buttons, one to display the next section of the report and one to return to the previous screen.

After you have completed all sections and schedules, the system will display a completed report. **At this point, you may save the report and return to it later to certify and submit.** After verifying the information you are going to submit, check the Certification box at the bottom of the screen. You then click the “OK” button to complete submission of the report.

You may print off a copy of the completed report for your own records from the certification page.

All information on the lobbyist report is public information.

Address questions to Board staff at 651-539-1187 or 800-657-3889.

---

**Lobbyist Information**

Please verify the lobbyist information below is correct.  
Lobbyist name: LobLastName, LobFirstName      Registration number: 10000  
Association: AssocName (10000)

Address:

City:       State:       Zip:

Daytime Telephone:

E-mail Address:  (E-mail Required)

Association Website:  (Website Address Required)

The next screen, Lobbyist Comments, is also an existing screen in the current reporting application. Please select the “Continue” button.

The next screen allows the lobbyist to identify which schedules will be needed for the report. The lobbyist selects the types of lobbying provided for the entity represented, and indicates if there were advertisements that must be reported. The point of this screen is to reduce the time it takes for the lobbyist to complete the report by eliminating irrelevant schedules. For demonstration purposes, I will select all lobbying types and the advertisements schedule, then select the “Begin Schedules” button.

---

**Lobbyist Disbursement Report**  
**LobLastName, LobFirstName (10000) / AssocName (10000)**  
Period Covered: January 1 through May 31, 2020  
Due Date: 06/15/2020

[Log Out](#)

[Previous](#)[Save report now and certify later](#)[Begin Schedules](#)

**Check appropriate box(es) below**

- Legislative Lobbying** I, and/or the lobbyists I am reporting for, lobbied the legislature of behalf of this entity during this reporting period (If legislative lobbying occurred, complete Schedule A).
  
- Public Utilities Commission Lobbying** I, and/or the lobbyists I am reporting for, lobbied the Public Utilities Commission on behalf of this entity during this reporting period (If lobbying of the Public Utilities Commission occurred, complete Schedule B).
  
- Administrative Lobbying** I, and/or the lobbyists I am reporting for, lobbied administrative rule making of behalf of this entity during this reporting period (If lobbying of administrative rule making occurred, complete Schedule C).
  
- Metropolitan Governmental Unit Lobbying** I, and/or the lobbyists I am reporting for, lobbied Metropolitan Governmental Units of behalf of this entity during this reporting period (If lobbying of administrative rule making occurred, complete Schedule D).
  
- Advertisements** The entity I represent spent over \$2,000 on one or more paid advertisements in support of lobbying efforts during the reporting period. (If advertisements were purchased complete Schedule E)
  
- I am terminating my lobbyist registration and will send to the Campaign Finance and Public Disclosure Board a Lobbyist Termination Statement. Termination Date   
(MM/DD/YYYY)

---

Legislative lobbying: Schedule A is used to report the specific subjects of interest that accounted for at least 25% of the lobbying effort on behalf of the entity. If the legislative lobbying effort for the specific subject is contained in a bill passed by at least one body of the legislature the lobbyist also lists the appropriate bill number. At a maximum the lobbyist will report four specific subjects, and in practice, the lobbyist probably will report less than four. Currently, a lobbyist does not report lobbying efforts for specific subjects of interest, or the bill number of successful legislation that contained the lobbying effort.

Adding the bill number was suggested by Board members at the November meeting. If the Board wants to incorporate that change it will be added to the reporting requirements in the draft legislation. Board members also suggested that staff look at including the legislative committee name for lobbying reporting efforts that met the reporting threshold. In practice, that was difficult to do because most legislation passes through multiple committees, sometimes more than once

if significant amendments occur, and a lobbyist could find it difficult to accurately report the primary committee for a lobbying effort.

**Lobbyist Disbursement Report (Schedule A)**  
**LobLastName, LobFirstName (10000) / AssocName (10000)**  
Period Covered: January 1 through May 31, 2020  
Due Date: 06/15/2020

[Log Out](#)

[Previous](#)      [Save report now and certify later](#)      [Next Schedule](#)

---

**Legislative Lobbying**

Report each specific subject of interest that accounted for 25% of more of the legislative lobbying effort on behalf of the entity during the reporting period. If your lobbying effort for a specific subject of interest meets the reporting threshold was contained in a bill that passed at least one body of the legislature identify the bill number. If your lobbying effort on a specific subject meets the reporting threshold but that specific subject was not contained in a bill that passed at least 1 body of the legislature, you may leave the bill number field empty.

[Delete Selected Rows](#)

	Specific subject of Interest	Bill number
<input type="checkbox"/>	Charter school teacher certification	HF2020
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

Public Utilities Commission Lobbying: Schedule B is used to report the project names of the lobbying efforts before the Public Utilities Commission that accounted for at least 25% of the lobbying effort for the represented entity. Initially the reporting requirement was going to be the docket number for the rate setting, power plant and powerline siting, or granting of certificate of need before the Public Utilities Commission. But thankfully the Public Utilities Commission assigns an official project name to each docket number, which will be easier for the public to review than a docket number. Currently, lobbyist do not report any information on the projects of interest before the Public Utilities Commission.

**Lobbyist Disbursement Report (Schedule B)**  
**LobLastName, LobFirstName (10000) / AssocName (10000)**  
Period Covered: January 1 through May 31, 2020  
Due Date: 06/15/2020

[Log Out](#)

[Previous Schedule](#)      [Save report now and certify later](#)      [Next Schedule](#)

---

**Public Utilities Commission Lobbying**

Report the official Public Utility Commission project name of the rate setting, power plant and powerline siting, or granting of certificate of need that accounted for 25% or more of the total lobbying effort before the Public Utilities Commission during the reporting period. If more than one project is reported, the projects should be listed in descending order of importance.

[Delete Selected Rows](#)

	Project name
<input type="checkbox"/>	Winona Wind Energy
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

**Administrative Lobbying:** Schedule C is used to report any agency rulemaking effort that was lobbied on behalf of the represented entity. The lobbyist identifies the agency from the drop-down list of agencies, boards, and commissions that have rulemaking authority. Under the current statutory definition, an administrative rulemaking begins when the request for comments is published by the agency. At this point in the process, a revisor number has been attached to the rulemaking effort and that number must be reported by the lobbyist. If there is a specific subject of interest in the rulemaking that accounts for 25% or more of the lobbying effort on the rules, the lobbyist must identify that subject. Currently, lobbyists do not identify any agency that is lobbied, or any information about the rulemaking that is the subject of the lobbying effort.

**Lobbyist Disbursement Report (Schedule C)** Log Out

**LobLastName, LobFirstName (10000) / AssocName (10000)**

Period Covered: January 1 through May 31, 2020  
Due Date: 06/15/2020

Previous Schedule
Save report now and certify later
Next Schedule

---

**Administrative Lobbying**

Report each state agency, board, or commission administrative rulemaking on which you lobbied on behalf of the entity during the reporting period. If the rulemaking has a revisor number, report that number. List any specific subject of interest within a rulemaking effort that accounted for 25% or more of the administrative lobbying effort on behalf of the entity during the reporting period. You may leave the subject of interest field empty if your lobbying on any specific subject of interest before a listed agency, board or commission did not meet the 25% threshold.

Delete Selected Rows

	State Agency, Board, or Commission	Revisor Number	Specific Subject of Interest
<input type="checkbox"/>	Agriculture, Dept. of	22222	Meat processing plant water treatment standards
<input type="checkbox"/>	Select State Agency, Board, or Commission		
<input type="checkbox"/>	Select State Agency, Board, or Commission		
<input type="checkbox"/>	Select State Agency, Board, or Commission		

**Metropolitan Governmental Unit Lobbying:** Schedule D is used to identify each metropolitan governmental agency lobbied during the reporting period. The screen provides a drop-down list of the cities, counties, and other governmental units covered by the lobbying provisions in Chapter 10A. If a specific subject of interest represented 25% or more of the lobbying effort before the metropolitan governmental unit the subject must also be reported. Currently, there is no information provided on what cities, counties, or other governmental units are lobbied, or what subjects before these bodies are of interest to the represented entity.

**Lobbyist Disbursement Report (Schedule D)**  
**LobLastName, LobFirstName (10000) / AssocName (10000)**  
 Period Covered: January 1 through May 31, 2020  
 Due Date: 06/15/2020

Log Out

Previous Schedule

Save report now and certify later

Next Schedule

**Metropolitan Governmental Unit Lobbying**

Report each Metropolitan Governmental Unit in which you lobbied on behalf of the entity during the reporting period. List the specific subject of interest within each Metropolitan Governmental Unit lobbied that accounted for 25% or more of the lobbying effort on behalf of the entity during the reporting period. You may leave the subject of interest field empty if your lobbying on any specific subject of interest before a listed Metropolitan Governmental Unit did not meet the 25% threshold.

Delete Selected Rows	
Metropolitan Governmental Unit	Specific Subject of Interest
<input type="checkbox"/> Apple Valley	Liquor license
<input type="checkbox"/> Minneapolis	Liquor license
<input type="checkbox"/> Minneapolis	Plastic Bag surtax
<input type="checkbox"/> Select Metropolitan Governmental Unit	

**Advertisements in Support of Lobbying:** Schedule E is used only by the designated lobbyist for the represented entity. Under current administrative rule the designated lobbyist reports the lobbying disbursements made directly by the entity in broad categories, including total disbursements for media advertising. However, there is no identification of specific advertising bought to support the lobbying effort. Under the legislative proposal the designated lobbyist no longer reports lobbying expenditures made directly by the represented entity except for advertising with a value of over \$2,000 during the reporting period that urges members of the public to contact public and local officials and influence official actions. The reporting required is roughly equivalent to the reporting required for candidates, party units, and political committees (although at a much higher expenditure threshold).

Previous Schedule

Save report now and certify later

Next Schedule

**Advertisements in Support of Lobbying**

Report for the entity represented any disbursements made or obligations incurred that exceed \$2,000 during the reporting period for advertising that urges members of the public to contact public or local officials to influence official actions. Advertising includes the cost to boost the distribution of an advertisement on social media.

Delete Selected Rows			Add Rows	Select All Rows	Unselect All Rows
Date of Purchase	Vendor Name	Vendor Address	Lobbying Subject(s) in Advertisement	Cost	Item Purchased
<input type="checkbox"/> 05/01/2020	ABC Printing	2000 Main Street, St. Paul, MN 55555	Spending for mass transit	\$6,900.00	Billboard signs
<input type="checkbox"/>					
<input type="checkbox"/>					

After completing Schedule E the lobbyist is given a chance to review the information entered before certifying the report to the Board. I encourage Board members and interested members of the public to try the test reporting application. Also attached is the draft version of the legislative proposal for the lobbying program.

**Attachments**

Draft statutory language

# Campaign Finance and Public Disclosure Board Lobbying Program Legislative Proposal

## 10A.01 DEFINITIONS

Minnesota Statutes 2018, section 10A.01, subdivision 21, is amended to read:

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

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

(2) who spends more than ~~\$250~~ \$3,000 of the individual's personal funds, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

\* \* \* \*

Minnesota Statutes 2018, section 10A.01, is amended by adding subdivisions to read:

**Designated lobbyist.** "Designated lobbyist" means the lobbyist responsible for reporting the lobbying disbursements and activity of the entity the lobbyist represents. An entity that is represented by lobbyists may have only one designated lobbyist at any given time.

**General lobbying category.** "General lobbying category" means an area of interest for lobbying for an entity that is on a list of categories specified by the board.

**Specific subject of interest.** "Specific subject of interest" means a particular topic or area of lobbying interest within a general lobbying category. The specific subjects of interest for an entity during a reporting period are disclosed by a reporting lobbyist on the report submitted to the Board for that period. The specific subject of interest must be described with enough information to show the particular issue of importance to the entity represented.

**Official action of metropolitan governmental units.** "Official action of metropolitan governmental units" means any action that requires a vote or approval by one or more elected local officials while acting in their official capacity; or an action by an appointed or employed local official to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

**Legislative action.** "Legislative action" means the development of prospective legislation; or the review, modification, adoption, or rejection of any bill, amendment, resolution, nomination, administrative rule, or report by a member of the legislature or employee of the legislature. "Legislative action" also means the development of prospective legislation, or a request for support or opposition to introduced legislation, with a constitutional officer. Legislative action includes the action of the governor in approving or vetoing any bill or portion of a bill.

## 10A.025 FILING REQUIREMENTS

Minnesota Statutes 2018, section 10A.025, subdivision 4, is amended to read:

Subd. 4. **Changes and corrections.** Material changes in information previously submitted and corrections to a report or statement must be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction must identify the form and the paragraph containing the information to be changed or corrected. A request to a lobbyist to provide more detailed information about a specific subject of interest disclosed on a lobbyist disbursement report is a change or correction governed by this subdivision.

\* \* \* \*

## 10A.03 LOBBYIST REGISTRATION

Minnesota Statutes 2018, section 10A.03, subdivision 2, is amended to read:

Subd. 2. **Form.** The board must prescribe a registration form, which must include:

- (1) the name, address, and e-mail address of the lobbyist;
- (2) the principal place of business of the lobbyist;
- (3) the name and address of each individual, association, political subdivision, or public higher education system, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears;
- (4) the website address of each association, political subdivision, or public higher education system identified under clause (3), if the entity maintains a website; ~~and~~
- (5) ~~the a general lobbying categories description of the subject or subjects on which the lobbyist expects to lobby-~~ for the entity represented; and
- (6) ~~if the lobbyist lobbies on behalf of an association, the registration form must include the name and address of the chief officers and directors of the association.~~

Minnesota Statutes 2018, section 10A.03, is amended by adding subdivision 6 to read:

Subd. 6. **General lobbying categories.** A list of general lobbying categories must be specified by the board and updated periodically based on public comment. The board must publish on its website the current list of general lobbying categories. Chapter 14 does not apply to the specification, publication, or periodic updates of the list of general lobbying categories.

## 10A.04 LOBBYIST REPORTS

Minnesota Statutes 2018, section 10A.04, subdivision 3, is amended to read:

Subd. 3. **Information to lobbyist.** ~~An employer or employee entity or lobbyist about whose activities are reported to the Board by another a lobbyist is required to report must~~

provide the information required by subdivision 4 to the designated reporting lobbyist no later than five days before the prescribed filing date.

Minnesota Statutes 2018, section 10A.04, subdivision 4, is amended to read:

Subd. 4. **Content.** (a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period. The determination of whether a legislative, administrative, or metropolitan governmental unit action or a Public Utilities Commission project met the 25% reporting threshold must be based on the lobbyist's reasonable, good faith estimate of the lobbyist's total efforts on behalf of the entity.

~~(b) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying disbursements to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental units and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.~~

(b) A lobbyist must report every state agency that had administrative action that the represented entity sought to influence during the reporting period. If an administrative action accounted for 25% or more of the lobbyist's effort on behalf of the represented entity during the reporting period, the lobbyist must report the specific subjects of interest for that action and the revisor docket number assigned to the action. The specific subjects of interest reported must be listed in the order of importance to the entity represented.

(c) A lobbyist must report every metropolitan governmental unit that considered official action that the entity represented sought to influence during the reporting period. If an official action by a metropolitan governmental unit accounted for 25% or more of that lobbyist's effort on behalf of the represented entity during the reporting period, the lobbyist must report the specific subjects of interest for that action. The specific subjects of interest reported must be listed in the order of importance to the entity represented.

(d) If a legislative action accounted for 25% or more of that lobbyist's efforts on behalf of the entity represented during the reporting period, the lobbyist must report the specific subjects of interest for that action. The specific subjects of interest reported must be listed in the order of importance to the entity represented. If a legislative action that meets the 25% reporting threshold was included in a bill that passed at least one body of the legislature, the lobbyist must report the number of that bill.

(e) If a rate setting, power plant and powerline siting, or granting of certificate of need accounted for 25% or more of that lobbyist's effort on behalf of the principal or employer during the reporting period, the lobbyist must report the Public Utilities Commission project name for that action.

(f) A lobbyist must report the amount and nature of each gift, item, or benefit, excluding contributions to a candidate, equal in value to \$5 or more, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or an employer or employee of the lobbyist. The list must include the name and address of each official to whom the gift, item, or benefit was given or paid and the date it was given or paid.



(g) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.

(h) The designated lobbyist must report disbursements made, and obligations incurred, that exceed \$2,000 for paid advertising used for the purpose of urging members of the public to contact public or local officials to influence official actions during the reporting period. Paid advertising includes the cost to boost the distribution of an advertisement on social media. The report must provide the date that the advertising was purchased, the name and address of the vendor, a description of the advertising purchased, and any specific subject(s) of interest addressed by the advertisement.

(i) On the report due June 15, the lobbyist must ~~provide update or confirm a~~ provide update or confirm a general description of the subjects lobbying categories for the entity represented that were lobbied on in the previous 12 months.

Minnesota Statutes 2018, section 10A.04, subdivision 6, is amended to read:

**Subd. 6. Principal reports.** (a) A principal must report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) ~~Except as provided in paragraph (d), t~~ The principal must report the total amount, rounded to the nearest \$20,000-10,000, spent by the principal during the preceding calendar year to influence legislative action, administrative action, and the official action of metropolitan governmental units. on each type of lobbying listed below:

(1) lobbying to influence legislative action;

(2) lobbying to influence administrative action, other than lobbying described in clause (3);

(3) lobbying to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243; and

(4) lobbying to influence official action of metropolitan governmental units.

(c) ~~Except as provided in paragraph (d),~~ For each type of lobbying listed in paragraph (b), the principal must report under this subdivision a total amount that includes:

(1) the portion of all direct payments for compensation and benefits paid by the principal to lobbyists in this state for that type of lobbying;

(2) the portion of all expenditures for advertising, mailing, research, consulting, surveys, expert testimony, studies, reports, analysis, compilation and dissemination of information, social media and public relations campaigns, and legal counsel, used to support that type of lobbying related to legislative action, administrative action, or the official action of metropolitan governmental units in this state; and

~~(3) a reasonable good faith estimate of the portion of all salaries and administrative overhead expenses attributable to activities of the principal for that type of lobbying relating to efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units in this state; and~~

~~(4) the portion of all lobbying disbursements not listed in clause (2) that were made or incurred on behalf of the principal by all lobbyists for the principal in this state for that type of lobbying.~~

~~(d) A principal that must report spending to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243 must report these amounts as provided in this subdivision, except that they must be reported separately and not included in the totals required under paragraphs (b) and (c).~~

#### **4511.0600 REPORTING DISBURSEMENTS**

Minnesota Rules, part 4511.0600, subpart 5, is repealed.