

From: [Eric Heiberg](#)
To: [Sigurdson, Jeff \(CFB\)](#); [Engelhardt, Megan \(CFB\)](#)
Cc: [Tom Poul](#); [Jonathan Curry](#); [Jamie Baumgart](#)
Subject: RE: Regulatory Language Submission on behalf of ACEC Minnesota
Date: Tuesday, February 13, 2024 2:53:48 PM

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Jeff,

Thank you again for your and your staff's hospitality at the subcommittee hearing on Friday. As discussed with the committee members, below is our attempt to split the difference between the 2 language proposals for Rule 4511.1200. In drafting this language we are trying to address the following concerns of the subcommittee:

1. Make the language more broad than just licensees under Minn. Stat. §326 so it could cover other professionals like railroad employees discussing railroad crossings;
2. Make the language narrow enough that it does not include any member of the public who is advocating for a project; and
3. Making sure there is not an exception that makes the rule moot.

Our proposed language is as follows:

4511.1200 ATTEMPTING TO INFLUENCE AN ELECTED OR NONELECTED LOCAL OFFICIAL. An individual providing an elected or nonelected local official information, data, advice, opinions, variables, options or direction in an area where the individual has a particular expertise through education, training, or experience shall not be considered attempting to influence that elected or nonelected local official.

We propose this as a compromise between the 2 proposals from Friday, and in our opinion is consistent with the exception to the definition of lobbyist intended by the legislature in Minn. Stat. §10A.01 Subd. 21(b)(8). Please call or email with thoughts or comments. As I discussed with the subcommittee, we are interested in finding a solution that works for everybody and still complies with the statutory language.

Eric R. Heiberg Esq.
Heley, Duncan & Melander PLLP
8500 Normandale Lake Boulevard, Suite 2110
Minneapolis, Minnesota 55437
(952) 841-0001
(952) 841-0207 (Direct)
(952) 841-0041 (Fax)
(866) 841-0080 (Toll Free)
eheiberg@heleyduncan.com

CONFIDENTIALITY NOTICE: This e-mail and the documents accompanying this e-mail contain confidential information which is legally privileged. The information is solely for the use of the intended recipient(s) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail and its attachments, except its direct delivery to the intended recipient, is strictly prohibited. If you have received this e-mail in error, please notify us immediately by phone and delete it from your system.