

TABLE OF CONTENTS

CHAPTER 4501, GENERAL PROVISIONS	2
4501.0100 DEFINITIONS	2
CHAPTER 4511, LOBBYIST REGISTRATION AND REPORTING.....	2
4511.0100 DEFINITIONS	2
4511.0200 REGISTRATION.....	4
4511.0300 PRINCIPALS.	5
4511.0400 TERMINATION	5
4511.0500 LOBBYIST REPORTING REQUIREMENTS.....	6
4511.0600 REPORTING DISBURSEMENTS.....	6
4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST	7
4511.0800 ADMINISTRATIVE ACTION.	7
4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION MEMBERSHIP ORGANIZATIONS.....	7
4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.	8
4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.	8
4511.1200 ATTEMPTING TO INFLUENCE AN ELECTED OR NONELECTED LOCAL OFFICIAL.....	9

1 **CHAPTER 4501, GENERAL PROVISIONS**

2

3 **4501.0100 DEFINITIONS.**

4 . . .

5 Subp. 4. **Compensation.** "Compensation" means every kind of payment for labor or
6 personal services. Compensation does not include payments of Social Security, unemployment
7 compensation, workers' compensation, healthcare, retirement, or pension benefits.

8 . . .

9

10 **CHAPTER 4511, LOBBYIST REGISTRATION AND REPORTING**

11

12 **4511.0100 DEFINITIONS.**

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

16 Subp. 1a. [Repealed, L 2023 c 62 art 5 s 44]

17 Subp. 2. **Administrative overhead expenses.** "Administrative overhead expenses" means
18 costs incurred by the principal for office space, transportation costs, and website operations,
19 that are used to support lobbying in Minnesota.

20 Subp. 3. **Development of prospective legislation.** "Development of prospective
21 legislation" means communications that:

22 A. explain the need for legislation that has not been introduced as a bill;

23 B. request support for legislation that has not been introduced as a bill;

24 C. provide language, or comments on language, used in draft legislation that has not been
25 introduced as a bill; or

26 D. are intended to facilitate the drafting of language, or comments on language, used in
27 draft legislation that has not been introduced as a bill.

28 The following actions, taken alone, do not constitute development of prospective legislation:

29 A. responding to a request for information by a public official;

30
31 B. requesting that a public official respond to a survey on the official's support or
32 opposition for an issue;

33
34 C. providing information to public officials in order to raise awareness and educate on an
35 issue or topic; or

36

1 D. advocating for an issue without requesting action by the public official.

2 **Subp. 4. Employee of a political subdivision.** "Employee of a political subdivision"
3 includes an individual hired or appointed by the political subdivision. An individual is also an
4 employee of a political subdivision if the individual is:

5 A. hired to provide the political subdivision services as a consultant or independent
6 contractor; or

7 B. the individual is employed by a business that has contracted with the political subdivision
8 to provide legal counsel, professional services, or policy recommendations to the political
9 subdivision.

10 Subp. ~~52~~. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes,
11 section 10A.071.

12 Subp. ~~63~~. **Lobbying.** "Lobbying" means attempting to influence legislative action,
13 administrative action, or the official action of a ~~metropolitan governmental unit~~ political
14 subdivision by communicating with or urging others to communicate with public officials or local
15 officials in ~~metropolitan governmental units~~. Any activity that directly supports this
16 communication is considered a part of lobbying. Payment of an application fee, or processing
17 charge, for a government service, permit, or license is not lobbying or an activity that directly
18 supports lobbying.

19 Subp. ~~74~~. **Lobbyist's disbursements.** "Lobbyist's disbursements" include ~~all~~ disbursements
20 for ~~lobbying each gift given made~~ by the lobbyist, the lobbyist's employer or employee, or any
21 person or association represented by the lobbyist, ~~but do not include compensation paid to the~~
22 lobbyist.

23 Subp. 8. **Pay or consideration for lobbying.** "Pay or consideration for lobbying" means
24 the gross compensation paid to an individual for lobbying.

25 Option 1 - An individual who is not compensated for lobbying under the terms of their
26 employment does not receive pay or consideration for lobbying.

27 Option 2 - An individual whose job responsibilities do not include lobbying, and who has not
28 been directed or requested to lobby on an issue by their employer, does not receive pay or
29 consideration for lobbying they undertake on their own initiative.

30 Subp. ~~95~~. **Original source of funds.** "Original source of funds" means a source of funds,
31 provided by an individual or association other than the entity for which a lobbyist is registered,
32 paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the
33 lobbyist's principal, for lobbying purposes.

34 Subp. 106. **Public higher education system.** "Public higher education system" includes the
35 University of Minnesota and the Minnesota State Colleges and Universities governed by
36 Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of
37 other entities with respect to whether or not they are also included within this definition.

1 Subp. 117. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for
2 reporting lobbying ~~disbursements activity~~ of two or more lobbyists representing the same entity.
3 Lobbying ~~disbursements activity~~ made on behalf of an entity may be reported by each individual
4 lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of
5 individual reports and reports from a reporting lobbyist.

6
7 **4511.0200 REGISTRATION.**

8 Subpart 1. **Registration threshold.** An individual must register as a lobbyist with the board
9 upon the earlier of when:

10 A. the individual receives total pay or consideration from all sources that exceeds \$3,000 in
11 a calendar year, for the purpose of lobbying, or from a business whose primary source of
12 revenue is derived from facilitating government relations or government affairs services if the
13 individual's job duties include offering direct or indirect consulting or advice that helps the
14 business provide those services to clients. The pay or consideration for lobbying for an
15 individual whose job duties includes both lobbying and functions unrelated to lobbying is
16 determined by multiplying the gross compensation of the individual by the percentage of the
17 individual's work time spent lobbying in the calendar year; or

18 B. the individual spends more than \$3,000 of their own funds in a calendar year for the
19 purpose of lobbying. Membership dues paid by the individual, and expenses for transportation,
20 lodging, and meals used to support lobbying by the individual, are not costs that count towards
21 the \$3,000 expenditure threshold that requires registration.

22 Subpart 2. **Registration not required.** An individual is not required to register as a lobbyist
23 with the board:

24 A. to represent the lobbyist's own interests, if the lobbyist is already registered to represent
25 one or more principals, unless the lobbyist spends over \$3,000 in personal funds in a calendar
26 year for the purpose of lobbying;

27
28 B. as a result of serving on the board or governing body of an association that is a principal,
29 unless the individual receives pay or other consideration to lobby on behalf of the association,
30 and the aggregate pay or consideration for lobbying from all sources exceeds \$3,000 in a
31 calendar year; or

32
33 C. if the individual's job responsibilities do not include lobbying, the individual has not been
34 directed or requested to lobby on an issue by their employer, and the individual does not receive
35 pay or consideration for lobbying they undertake on their own initiative unless the individual
36 spends more than \$3,000 of their own funds for the purpose of lobbying.

37
38 Subpart 43. **Separate registration required for each entity.** A lobbyist who lobbies on
39 behalf of more than one individual, association, political subdivision, or public higher education

1 system shall register separately for each separate entity. Members or affiliates of an association
2 represented by a lobbyist are not separate entities for the purposes of this requirement.

3 Subp. 24. **Separate registration for each lobbyist.** Multiple lobbyists representing the
4 same individual, association, political subdivision, or higher education system must each
5 register separately. A lobbyist who ~~reports provides~~ lobbying activity disbursements to the board
6 through a reporting lobbyist must list the name and registration number of the reporting lobbyist
7 on a lobbyist registration. If the reporting lobbyist changes, or if the lobbyist ceases to report
8 through a reporting lobbyist, the lobbyist must amend the registration within ten days.

9 Subp. 35. **Registration of designated lobbyist.** A designated lobbyist must indicate on the
10 lobbyist registration form that the lobbyist will be reporting disbursements for the entity the
11 lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist. A
12 designated lobbyist who ceases to be responsible for reporting the lobbying disbursements of
13 an entity must amend the lobbyist's registration with the board within ten days.

14 Subp. 46. **Registration of reporting lobbyist.** A reporting lobbyist must indicate on the
15 lobbyist registration form that the lobbyist will be reporting lobbying activity disbursements for
16 additional lobbyists representing the same entity. The registration must list the name and
17 registration number of each lobbyist that will be included in reports to the board of
18 ~~disbursements~~ made by the reporting lobbyist. Changes to the list of lobbyists represented by a
19 reporting lobbyist must be amended on the reporting lobbyist registration within ten days, or
20 provided to the board at the time of filing a report required by Minnesota Statutes, section
21 10A.04, subdivision 2.

4511.0300 PRINCIPALS.

23 Individuals or associations represented by lobbyists are presumed to be principals until they
24 establish that they do not fall within the statutory definition of a principal. A political subdivision,
25 public higher education system, or any office, department, division, bureau, board, commission,
26 authority, district, or agency of the State of Minnesota, is not an association under Minnesota
27 Statutes, section 10A.01, and is not a principal.

4511.0400 TERMINATION.

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

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

1 Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased lobbying
2 for a particular entity may terminate their registration using the procedure provided in subpart 1.
3 When the designated lobbyist of a lobbying entity terminates, the entity is responsible to assign
4 the responsibility to report the entity's lobbying disbursements to another lobbyist.

4511.0500 LOBBYIST REPORTING REQUIREMENTS.

6 Subpart 1. **Separate reporting required for each entity.** A lobbyist must report separately
7 for each entity for which the lobbyist is registered, unless their activity disbursements is reported
8 in the manner provided in Minnesota Statutes, section 10A.04, subdivision 9 subpart 2.

9 Subp. 2. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

10 Subp. ~~23~~. **Report of officers and directors information designated lobbyist.** With each
11 report of lobbyist activity disbursements, a designated lobbyist must report: ~~any change in the~~
12 ~~name and address of:~~

13 A. the name and address of each person, if any, by whom the lobbyist is retained or
14 employed or on whose behalf the lobbyist appears; ~~or~~

15 B. if the lobbyist represents an association, a current list of the names and addresses of
16 each officer and director of the association;

17 C. each original source of money in excess of \$500 provided to the individual or association
18 that the lobbyist represents; and

19 D. each gift to a public or local official given by or on behalf of a principal or a lobbyist
20 registered for the principal.

21 Subp. ~~34~~. **Limitation on reporting of loans.** A lobbyist is not required to report loans to a
22 public official or a local official if:

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

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

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

4511.0600 REPORTING DISBURSEMENTS.

30 Subpart 1. **Determination of actual costs required.** To the extent that actual costs of
31 lobbying activities, or administrative overhead expenses incurred by the principal to support
32 lobbying, can be obtained or calculated by reasonable means, those actual costs must be
33 determined, recorded, and used for reporting purposes.

34 Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity, or administrative
35 overhead expenses incurred by the principal to support lobbying, cannot be obtained or
36 calculated through reasonable means, those costs must be reasonably approximated.

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

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

9 Subp. 5. [Repealed, L 2023 c 62 art 5 s 44]

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

13 **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**

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

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

19 **4511.0800 ADMINISTRATIVE ACTION.**

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

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

29 **4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION MEMBERSHIP** 30 **ORGANIZATIONS.**

31 Subpart 1. **Required reporting.** An association whose membership consists of political
32 subdivisions within Minnesota, and which is a principal that provides lobbyist representation on
33 issues as directed by its membership, must report:

34 A. attempts to influence administrative action on behalf of the organization's membership;

35 B. attempts to influence legislative action on behalf of the organization's membership; and

36 C. attempts to influence the official action of a political subdivision on behalf of the
37 organization's membership, unless the political subdivision is a member of the association.

1 Subp. 2. **Communication with membership.** A membership association described in
2 subpart 1 is not lobbying political subdivisions when the association communicates with its
3 membership regarding lobbying efforts made on the members' behalf, or when the association
4 recommends actions by its membership to support a lobbying effort.

4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.

6 Subpart 1. **An action that requires a vote of the governing body.** Attempting to influence
7 the vote of an elected local official while acting in their official capacity is lobbying of that
8 official's political subdivision.

9 Subp. 2. **Approval by an elected local official.** Attempting to influence a decision of an
10 elected local official that does not require a vote by the elected local official is lobbying if the
11 elected local official has discretion in their official capacity to either approve or deny a
12 government service or action.

13 Approval by an elected local official does not include:

14 A. issuing a government license, permit, or variance that is routinely provided when the
15 applicant has complied with the requirements of existing state code or local ordinances;

16 B. any action which is performed by the office of the elected local official and which does
17 not require personal approval by an elected local official;

18 C. prosecutorial discretion exercised by a county attorney; or

19 *D. participating in discussions with a party or a party's representative regarding a legal*
20 *dispute between the party and the political subdivision of the elected local official.*

4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.

23 Subpart 1. **Major decision regarding the expenditure of public money.** Attempting to
24 influence a nonelected local official is lobbying if the nonelected local official may make,
25 recommend, or vote on as a member of the political subdivision's governing body, a major
26 decision regarding an expenditure or investment of public money. A major decision regarding
27 the expenditure or investment of public money includes, but is not limited to, a decision on:

28 A. the development and ratification of operating and capital budgets of a political
29 subdivision, including development of the budget request for an office or department within the
30 political subdivision;

31 B. whether to apply for, or accept, state or federal funding or private grant funding;

32 C. selecting recipients for government grants from the political subdivision; or

33 D. expenditures on public infrastructure used to support private housing or business
34 developments.

35 A major decision regarding the expenditure of public money does not include:

1 A. the purchase of goods or services with public funds in the operating or capital budget of
2 a political subdivision;

3 B. collective bargaining of a labor contract on behalf of a political subdivision; or

4 C. participating in discussions with a party or a party's representative regarding a legal
5 dispute between the party and the political subdivision of local official.

6 Subp. 2. Major decision regarding the investment of public money. Attempting to
7 influence a nonelected local official is lobbying if the nonelected local official is making a major
8 decision regarding the investment of public money. A major decision regarding the investment
9 of public money includes, but is not limited to, the authority to make, recommend, or vote on as
10 a member of the political subdivision's governing body, a decision regarding investment options
11 for government employee retirement plans, or investment options or depositories for funds of
12 the political subdivision.

13
4511.1200 ATTEMPTING TO INFLUENCE AN ELECTED OR NONELECTED LOCAL OFFICIAL.

14 An individual providing an elected or nonelected local official information, data, advice, opinions,
15 variables, options or directions as professional licensee under Minnesota Statutes Section
16 326.02 through 326.15 or under the direct supervision of a licensee under Minnesota Statutes
17 Section 326.02 through 326.15 shall not be considered attempting to influence that elected or
18 nonelected local official.

19
4511.1200 ATTEMPTING TO INFLUENCE AN ELECTED OR NONELECTED LOCAL OFFICIAL.

20
21
22 An individual providing an elected or nonelected local official information, data, advice, opinions,
23 variables, options or direction in an area where the individual has a particular expertise through
24 education, training, or experience shall not be considered attempting to influence that elected or
25 nonelected local official.

26
27
28 **4511.1200 ATTEMPTING TO INFLUENCE AN OFFICIAL ACTION OF A POLITICAL**
29 **SUBDIVISION.**

30
31 An individual providing an elected or nonelected local official information, data, advice, opinions,
32 variables, options or direction in an area where the individual has particular expertise through
33 education, training, or experience is not attempting to influence an official action by the political
34 subdivision in which the local official serves.
35