

Ethical Lobbying

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Introduction

- Chapter 10A
 - Registration
 - Reporting
 - Prohibitions
- Senate Subcommittee on Ethical Conduct
- House Committee on Ethics

Chapter 10A

§ 10A.01, subd. 21 - Definitions

- Lobbyist
 - Engaged for pay or other consideration of more than \$3,000 per year
 - Attempts to influence
 - legislative action
 - administrative action
 - action of a metropolitan governmental unit
 - By communicating, or urging others to communicate, with public or local officials

Chapter 10A

§ 10A.03 - Registration

- With Campaign Finance Board
- Within 5 days after becoming a lobbyist

Chapter 10A Changes

§ 10A.03, subd. 3

- Late Registration
 - \$5 per day late, up to \$100 (current law)
 - Starts when late notice sent, not when received
 - Civil penalty up to \$1,000 if not paid after second notice
 - Misdemeanor penalty eliminated

Chapter 10A

§ 10A.04 - Reports

- Time
 - January 15
 - April 15
 - July 15
- Content
 - Disbursements
 - Gifts to officials
 - Sources of money over \$500 a year

Chapter 10A Changes

§ 10A.04, subd. 4

- April 15 Report
 - List of subjects lobbied in previous 12 months

Chapter 10A Changes

§ 10A.04, subd. 5

- Late Report
 - Same new penalties as late registration

Chapter 10A Changes

§ 10A.04, subd. 6

- Principal Reports - March 15
 - Old Categories
 - \$501 to \$50,000
 - \$50,001 to \$150,000
 - \$150,001 to \$250,000
 - Each additional \$250,000
 - New Requirement
 - Categories abolished
 - Report spending to nearest \$20,000

Chapter 10A

§ 10A.05 - Publication

- Lobbyist names
- Lobbyist principals
- Subjects lobbied

Chapter 10A

Prohibitions

- No contingent fees - § 10A.06
- No gifts to officials - § 10A.071
- No contributions during legislative session - § 10A.273

Senate Subcommittee on Ethical Conduct

Senate Rules 55 and 58

Subcommittee

Senate Rule 55

- 4 members - bipartisan
- Complaints
 - In writing
 - Under oath
 - By a Senator
- Improper Conduct of a Member or Employee

Lobbyists

Senate Rule 58

- Register with Campaign Finance Board
- Disclose principal and purpose
- No false or misleading testimony

Subcommittee Procedure

Probable Cause Determination

- Complaint is private until probable cause found
- Probable cause determined in executive session
 - May be opened by
 - Lobbyist
 - Vote of 3 members
 - 30 days to decide how to proceed
- Further investigation is public

Subcommittee Procedure

Rights of Accused

- Notified of complaint when received
- Evidence taken under oath
- May call and cross-examine witnesses
- May be represented by counsel
- May order transcript of testimony at own expense
- Complainant must prove by clear and convincing evidence

Appropriate Disciplinary Action

- Imprisonment - Const. art. IV, § 25
 - Not more than 24 hours
 - Disorderly or contemptuous behavior in its presence
- Refer for Criminal Prosecution
 - Bribery - § 609.42
 - Corruptly influencing legislator - § 609.425
- Bar from appearing as a lobbyist
- Censure
- Apology

Precedents

Gordon Forbes - 1974

- Complaint of undue influence on Senator Berg's secretary
- Hearings in executive session
- No action

Precedents

John Berglund - 1998

- Complaint of false information
 - Flyer on Senate floor
 - Statements attributed to official
 - Official denied making them
 - Statements were false (3 out of 4)
- Public hearings
- Disciplinary action
 - Apology
 - Acknowledge errors

House Ethics Committee

House Rule 6.10

- 4 members - bipartisan
- Complaints
 - In writing
 - Under oath
 - By two or more House members
 - Delivered to accused member
 - Submitted to Speaker
 - Forwarded to Committee on Ethics
- Not Against Lobbyist

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