

Changes In The States

July 3, 2003

Minnesota

The Minnesota legislature recently passed a statute that amended several provisions in the state's lobbying law. H.F. 1 (May 28, 2003). The statute is effective on July 1, 2003. The three major changes are discussed below.

First, the legislature has changed the definition of lobbyist. It eliminated the five-hour time threshold and replaced this trigger mechanism with a flat definition of a lobbyist as an individual engaged for pay or other consideration of \$3,000 a year from all sources for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan government unit, by communicating with or urging others to communicate with public or local officials. Minn. Stat. Ann. § 10A.01 (21).

Second, the legislature reduced the reporting requirements for lobbyists. Beginning in 2004, lobbyists need only file reports on January 15 and June 15 of each year. *Id.* § 10A.04(2). For 2003, lobbyists must still file the July 15 report.

Finally, the legislature imposed fees on both lobbyists and lobbyist principals. Lobbyists must pay a \$50 fee by January 15 of each year for each person on whose behalf the lobbyist is registered. *Id.* § 10A.04(2a). Principals must pay a separate \$50 fee with their March 15 annual reports. *Id.* § 10A.04(6). For this year, each lobbyist who was registered on January 15, 2003 must pay the \$50 fee for each client by August 1, 2003. Principals must pay a separate \$50 fee by the same date.

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New York

On June 16, 2003, Governor Pataki of New York issued Executive Order No. 127. This Executive Order (EO) requires a disclosure of lobbying information by those seeking contracts in excess of \$15,000 with any New York state department, office or division; or with any board, commission or bureau thereof; or with any public benefit corporation, public authority or commission at least one of whose members is appointed by the Governor, including the State University of New York and the City University of New York. The EO also requires that covered agencies take certain lobbying and "non-responsibility" findings into account when awarding covered contracts and to identify all persons trying to influence the procurement process.

The EO is applicable to procurement contracts to which a solicitation for bids, officers or proposals is made 60 days or more after the EO has taken effect. The EO, however, does not cover contracts that by law must be awarded to the lowest responsible bidder or awarded on the basis of the lowest price subsequent to a competitive bid process.

New York's Office of General Services is required to issue written guidance to covered agencies regarding the implementation of the EO within 45 days.

South Carolina

South Carolina Governor Mark Sanford signed a law on June 26, 2003, which changes the state's campaign finance and lobbying laws. Parts of the new law are effective immediately and other parts become effective on July 1 and November 3. A detailed analysis of this new law will appear in the next issue of *Election Law News*.

South Dakota

Effective July 1, 2003, the state has increased its annual lobbyist registration fee from \$25 to \$35.

Washington

Washington Governor Gary Locke signed former H.R. 1294 on May 7, 2003, which eliminates the need for out-of-state federal PACs to file reports with Washington state's Public Disclosure Commission. Amending chapter 42.17 of the Revised Code of Washington, the new law outlines new filing requirements for nonfederal out-of-state PACs and exempts federal PACs from these requirements completely. The new law, which is effective July 27, 2003, also eliminates the forfeiture penalty previously imposed on candidates who received contributions from out-of-state PACs that failed to report to the state.

West Virginia

The West Virginia legislature recently passed legislation that specifically exempts federal PACs from the requirement to file state campaign contribution reports. W. Va. Code Ann. § 3-8-2(a). The law became effective on June 5, 2003.