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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 165

January 22, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to ethics in government; prohibiting certain uses of public funds;
1.3 prohibiting certain government contracts; providing penalties; proposing coding
1.4 for new law in Minnesota Statutes, chapter 15.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[15.0545] PROHIBITED USES OF PUBLIC FUNDS; PROHIBITED**
1.7 **CONTRACTS.**

1.8 Subdivision 1. **Prohibited uses of public funds.** (a) A public officer may not use
1.9 state or local government funds, facilities, supplies, or equipment for campaign purposes,
1.10 lobbying, or partisan purposes. A public officer may not authorize the use of state or local
1.11 government funds for payment of dues or membership fees to an entity that engages in
1.12 lobbying, campaigns, or partisan activity.

1.13 (b) This subdivision does not apply to:

1.14 (1) an elected state official while performing official duties;

1.15 (2) communications among and between legislators and legislative employees, or
1.16 between a public officer and a legislator or a legislative employee;

1.17 (3) appearances and communications by a public officer pursuant to a request to
1.18 appear before a state or local government body;

1.19 (4) executive branch state employees having responsibility to assess the impact of
1.20 proposals which affect the administration of government; or

1.21 (5) expenditures authorized by other laws, including laws relating to public financing
1.22 of campaigns.

1.23 (c) A public officer who knowingly violates this subdivision is guilty of a
1.24 misdemeanor. A knowing violation of this section by a public employee is grounds for

2.1 discharge. A public officer who uses government resources or receives government
2.2 resources in violation of this section must pay full restitution to the applicable state or
2.3 local government unit, in an amount equal to the greater of the cost to the government
2.4 unit or the market value of the resources.

2.5 Subd. 2. **Public contracts.** (a) An entity that employs a legislator or legislative
2.6 employee may not enter into a government contract, unless the person or entity has
2.7 employed the legislator or legislative employee for more than one year before entering
2.8 into the government contract.

2.9 (b) An entity that employs a person who was a legislator or a legislative employee
2.10 within the past year may not enter into a government contract.

2.11 (c) A state or local government elected official or a candidate for a state or local
2.12 government elective office may not solicit or accept a campaign contribution from a
2.13 person or entity holding a contract with the state or local government agency that the
2.14 elected official serves or seeks to serve or from a family member of the person holding
2.15 the contract. For purposes of this paragraph, "family member" means a spouse, child,
2.16 spouse's child, son-in-law, daughter-in-law, parent, sibling, grandparent, grandchild,
2.17 stepbrother, stepsister, stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, uncle,
2.18 niece, nephew, or guardian. This prohibition on campaign contributions applies for two
2.19 years after the conclusion of the contract.

2.20 (d) A person who knowingly violates this section is guilty of a misdemeanor.
2.21 A person who knowingly violates paragraph (a) or (b) forfeits any right to payment or
2.22 reimbursement under a government contract, and must make restitution to the contracting
2.23 government entity for any payment illegally received under a contract that violates this
2.24 section. A person who knowingly receives a prohibited contribution under paragraph (c)
2.25 must return the illegal contribution to the donor.

2.26 Subd. 3. **Definitions.** For purposes of this section the following terms have the
2.27 meaning given.

2.28 (a) "Campaign purposes" means communications, expenditures, or other efforts
2.29 related to the pursuit of an elected public office.

2.30 (b) "Entity" means a natural person, a business, organization, association, political
2.31 party, political fund, or a principal campaign committee.

2.32 (c) "Government contract" means a contract for an amount more than \$500 entered
2.33 into and paid for by the state or a unit of local government, but does not include contracts
2.34 in which both parties are state or local units of government.

2.35 (d) "Lobbying" means attempts to influence legislative or administrative action,
2.36 or the action of a local government body.

3.1 (e) "Local government" means a county, home rule charter or statutory city, town,
3.2 school district, metropolitan or regional agency, political subdivision, or special district.

3.3 (f) "Public officer" means any state or local government elected official, any person
3.4 appointed to a state or local government office, or any employee of this state or a local
3.5 government unit.

3.6 (g) "State" means the executive, legislative, and judicial branches, and includes the
3.7 Minnesota State Colleges and Universities.