

HF 2531 Side-by-Side Summary

Matt Gehring, House Research Department

Alexis Stangl, Senate Counsel, Research, and Fiscal Analysis

May 9, 2014

Rev. Page	HOUSE (H.F. 2531, 4 th Engrossment)	COMPARISON	SENATE (S.F 2402, 3 rd engrossment)
R1	Section 1. Associated business. Modifies a financial threshold for qualifying under the definition of “associated business” in certain circumstances from “\$2,500 or more” to “more than \$2,500.” This modification conforms the phrasing to the phrasing of other financial thresholds in chapter 10A.	Same	Section 1. Associated business. Modifies a financial threshold for qualifying under the definition of “associated business” in certain circumstances from “\$2,500 or more” to “more than \$2,500.” This modification conforms the phrasing to the phrasing of other financial thresholds in chapter 10A.
R1	Section 2. Candidate. Modifies the financial threshold for qualifying as a “candidate” for purposes of chapter 10A from \$100 to \$750, to conform to the threshold for registering a campaign committee with the board.	Same	Section 2. Candidate. Modifies the financial threshold for qualifying as a “candidate” for purposes of chapter 10A from \$100 to \$750, to conform to the threshold for registering a campaign committee with the board.
R1-R3	Section 3. Noncampaign disbursement. Amends the definition of “noncampaign disbursement” for purses of chapter 10A. Travel outside of the U.S. by caucus leaders or candidates qualifying as a noncampaign disbursement is limited to one trip per year, and any expenses claimed must be documented by specified documents. Holiday or seasonal cards are added to the list of items that may be sent using noncampaign disbursements; all the items must be mailed or published before the end of the election cycle. <i>[Note: this provision has already been enacted into law. See Laws 2014, Chapter 185, section 1 (HF 2096, Online Voter Registration)]</i>	No similar Senate provision.	N/A
R3	N/A	No similar House provision.	Section 3. Executive director; staff. Specifies that the executive director is not an ex officio member of the board.

R3-R4	N/A	No similar House provision.	Section 4. Duties. Provides that the board may only vote on a matter if the matter was placed on an agenda, and supporting material was provided, at least seven days before the meeting. The board may waive this requirement by unanimous vote.
R4-R5	N/A	No similar House provision.	Section 5. Audits and investigations. Requires the board to issue rules that specify the procedures to be followed for audits and investigations by the board. The rules must address, at a minimum: the process for initiating and overseeing an investigation; when summary proceedings are available; dedication of staff resources for investigations; parties rights to be heard by the board; and board hearings and dispositions of complaints, audits, and investigations. The board may use the expedited rulemaking process.
R5	Section 4. Violations; enforcement. Paragraph (a). No changes are made in this paragraph.	<ul style="list-style-type: none"> The House language does not amend this paragraph. 	Section 6. Violations; enforcement. Paragraph (a). Provides that when the board receives a written complaint, the board must immediately provide a copy of the complaint to the subject of the complaint and notify the subject that he or she may submit a written response within 15 days. Within 30 days of receiving the complaint, the board must make findings and conclusions as to whether the complaint alleges a prima facie violation. If so, the board must then make findings and conclusions as to whether probable cause exists to believe the alleged violation has occurred. This determination must be made within 45 days after the prima facie determination. The filer of the complaint and the subject of the complaint must be given an opportunity to be heard by the board before the probable cause determination is made.

			If the board finds that probable cause exists to believe the violation has occurred, the board must undertake an investigation. At the conclusion of the investigation, the board must issue an order.
R5-R6	Paragraph (b). No changes are made in this paragraph.	Same	Paragraph (b). No changes are made in this paragraph.
R7	Paragraph (c). Deletes a reference to a probable cause determination. The board would be prohibited from making a finding that a violation has occurred without notifying the subject of the allegation.	<p>Similar</p> <ul style="list-style-type: none"> House removes reference to “probable cause”; Senate also removes but reinserts later Senate specifies that this paragraph applies to investigations not done under paragraph (a) Senate adds that the board must not issue conclusions or an order without notifying the parties and allowing them to appear at a hearing to determine whether probable cause exists Senate provides parties with right to appear before the board. 	Paragraph (c). Specifies that in an investigation that is not initiated by written complaint to the board, the board must not make findings and conclusions or issue an order unless the subject of the investigation is given notice and an opportunity to be heard by the board at a hearing to determine whether probable cause exists to believe a violation has occurred. The subject of an investigation must be given an opportunity to answer the allegations of the complaint or investigation and to appear before the board before a final determination is made.
R7	<p>Paragraph (d). Specifies that hearings before the board or board actions concerning complaints or investigations other than findings, conclusions, orders, and conciliation agreements are confidential.</p> <p>Until the board makes a public finding or enters into a conciliation agreement, individuals are prohibited from</p>	<p>Similar</p> <ul style="list-style-type: none"> House deletes reference to “probable cause” House adds issuing conclusions and orders Senate specifies appearances before 	Paragraph (d). Provides that a hearing or action of the board concerning a complaint or investigation is confidential, including appearances before the board. The board's initial determination as to whether probable cause exists to believe a violation has occurred and findings, conclusions, and orders at the end of an investigation are public data. Until the board makes a public finding concluding that probable cause does not exist to believe a

	disclosing information. References to probable cause are removed.	<ul style="list-style-type: none"> the board are confidential Senate specifies what is public data Senate adds the probable cause determination, issuing findings, conclusion, and orders to list of triggers on when individuals cannot disclose information. 	violation has occurred or an order at the end of the investigation, certain information is private.
R7-R8	Section 5. Data privacy. Eliminates a reference to findings of “probable cause.”	<p>Similar</p> <ul style="list-style-type: none"> House eliminates reference to probable cause; Senate removes the same references and replaces it with a <i>prima facie</i> violation determination. 	Section 7. Data privacy. Replaces the probable cause standard with the <i>prima facie</i> standard established in section 6.
R8	N/A	No similar House provision.	<p>Section 8. Data privacy related to electronic reporting system. Allows the board to develop and maintain systems that allow treasurers to enter and store electronic records online. Data in the system is not governed by the Minnesota Government Data Practices Act until it is submitted in a report to the board, at which time it is government data. The data cannot be used or accessed by the board without written consent.</p>
R8	Section 6. Changes and corrections. Requires the board to send written notice to an individual who fails to report a material change or correction; the requirement that notice be sent by certified mail is deleted. The late filing fee is increased from \$5 per day to \$25 per day. The total of the late filing fee imposed is increased from \$100 to \$1,000. The board may later send a second notice by certified mail that an additional civil penalty may be imposed if the	Same	Section 9. Changes and corrections. Requires the board to send written notice to an individual who fails to report a material change or correction; the requirement that notice be sent by certified mail is deleted. The late filing fee is increased from \$5 per day to \$25 per day. The total of the late filing fee imposed is increased from \$100 to \$1,000. The board may later send a second notice by certified mail that an additional civil penalty may be imposed if the report is not filed.

	report is not filed.		
R8-R9	Section 7. Reconciliation information; penalty. Requires individuals and associations that file reports with the board to provide information requested by the board to assist in reconciling differences between reports filed by the individual or association and reports by other entities. Two notices are required and late filing fees and other penalties may be imposed if information is not provided.	Same	Section 10. Reconciliation information; penalty. Requires individuals and associations that file reports with the board to provide information requested by the board to assist in reconciling differences between reports filed by the individual or association and reports by other entities. Late filing fees and civil penalties may be imposed if information is not provided.
R9	Section 8. Time for filing. Specifies the deadline for filing statements of economic interest by judges and county commissioners, who were added to this requirement during the 2013 legislative session.	Same	Section 11. Time for filing. Specifies the deadline for filing statements of economic interest by judges and county commissioners, who were added to this requirement during the 2013 legislative session.
R9	Section 9. Exception; senior judges. Provides that retired judges are not required to file a statement of economic interest.	Similar <ul style="list-style-type: none"> House refers to “senior judges;” Senate refers to “retired judges” 	Section 12. Exception; retired judges. Provides that retired judges are not required to file a statement of economic interest.
R10	Section 10. Form. Modifies financial thresholds for including certain data on a statement of economic interest to require reporting of property with a fair market value of “more than \$50,000” rather than “\$50,000 or more.” This modification conforms the phrasing to the phrasing of other financial thresholds in chapter 10A.	Same	Section 13. Form. Modifies financial thresholds for including certain data on a statement of economic interest to require reporting of property with a fair market value of “more than \$50,000” rather than “\$50,000 or more.” This modification conforms the phrasing to the phrasing of other financial thresholds in chapter 10A.
R10	Section 11. Dues or membership fees. Increases the threshold amount for disclosing the names of members whose dues were placed in an association's political fund from \$100 to \$200. This is consistent with disclosure thresholds found elsewhere in chapter 10A.	Same	Section 14. Dues or membership fees. Increases the threshold amount for disclosing the names of members whose dues were placed in an association's political fund from \$100 to \$200. This is consistent with disclosure thresholds found elsewhere in chapter 10A.

R10-R12	Section 12. Time for filing. Modifies required reporting schedules for candidates whose offices do not appear on the ballot at an election, for certain candidates who are not successful in a primary election and for candidates whose name will not appear on the primary election ballot.	Same	Section 15. Time for filing. Modifies required reporting schedules for candidates whose offices do not appear on the ballot at an election, for certain candidates who are not successful in a primary election and for candidates whose name will not appear on the primary election ballot.
R12-R13	Section 13. Pre-election reports. Changes a reference to an election cycle to an election segment to be consistent with changes made in chapter 10A in the 2013 session.	Same	Section 16. Pre-election reports. Changes a reference to an election cycle to an election segment to be consistent with changes made in chapter 10A in the 2013 session.
R13	Section 14. Publication of expenditure limit. Requires the board to publish the expenditure limits on the board's Web site instead of in the state register.	Same	Section 17. Publication of expenditure limit. Requires the board to publish the expenditure limits on the board's Web site instead of in the state register.
R13	Section 15. Civil action. Deletes references to probable cause and the process to bring an action to collect civil penalties. The board is still required to make a public finding as to whether there is a reason to believe an excess expenditure has been made or excess contributions have been accepted.	Same	Section 18. Civil action. Deletes references to probable cause and the process to bring an action to collect civil penalties. The board is still required to make a public finding as to whether there is a reason to believe an excess expenditure has been made or excess contributions have been accepted.
R13	N/A	No similar House provision.	Section 19. Campaign reports and data. Specifies in the Minnesota Government Data Practice Act chapter that the data in the electronic reporting system created in section 8 is not government data.
R13-R14	Section 16. Information required. For candidates and committees in elections for local office, clarifies a "cash on hand" reporting requirement to provide that only the cash on hand designated for political purposes is required to be reported. This section also updates terminology.	Same	Section 20. Information required. For candidates and committees in elections for local office, clarifies a "cash on hand" reporting requirement to provide that only the cash on hand designated for political purposes is required to be reported. This section also updates terminology.

HF 2531 Side-by-Side Summary

Matt Gehring, House Research Department

Alexis Stangl, Senate Counsel, Research, and Fiscal Analysis

May 9, 2014

R14	N/A	No similar House provision.	Section 21. Rulemaking. Requires the board to adopt the rules required by section 5 by December 30, 2014.
R14	Section 17. Repealer. Repeals a subdivision which requires suspension of a public official, except a member of the legislature or constitutional officer, if a required statement of economic interest is not filed.	Same	Section 22. Repealer. Repeals a subdivision which requires suspension of a public official, except a member of the legislature or constitutional officer, if a required statement of economic interest is not filed.
R14	Section 18. Effective date. Provides for an immediate effective date.	Similar <ul style="list-style-type: none">• Technical difference; each side specifies the section numbers	Section 23. Effective date. Provides for an immediate effective date.