



Wednesday, March 12, 2025

Chair Quam, Lead Freiberg, and Members of the Elections Finance and Government Operations Committee,

Thank you for the opportunity to submit a letter in support of HF2105. The American Council of Engineering Companies of Minnesota (ACEC/MN) advocates for consulting engineering firms. With over 125 member companies and 7,500 employees, ACEC/MN serves federal, state, local governments, private industry, and the public. We have been actively engaged with the Campaign Finance Board's review of the lobbying definition and are concerned that without a legislative change to the definition of lobbyist that thousands of engineers across the state will have to register as lobbyists with the Minnesota Campaign Finance Board.

We support HF2105 which clarifies that a lobbyist is not an individual who, by virtue of their professional licensure, certification, or recognized expertise, provides an elected or nonelected local official with factual information, technical assessments or professional recommendations including but not limited to engineers.

There are three types of services consulting engineers provide to their clients that we are concerned could be considered "lobbying." Those services are consulting engineer hired as a city engineer, consulting engineer hired by a municipality for master planning or in connection with a specific project, and consulting engineering firm hired by a property owner or developer in connection to a project.

Consulting Engineer Hired as a City Engineer.

Many municipalities throughout Minnesota do not have a full-time, on-staff city engineer. Instead, those cities hire a consulting engineering firm and one of the employees of that consulting engineering firm acts as the city engineer for the municipality on an as-needed basis. As the city engineer, the individual is technically an employee of the consulting engineering firm, but he or she takes on the role that a typical city engineer would take on such as evaluating potential projects, master planning, providing information to the city council, and advocating on behalf of projects which he or she believes are in the city's best interest.

Consulting Engineer Hired by the Municipality for Master Planning or in Connection with a Specific Project.

Consulting engineering firms are often hired by political subdivisions either for overall master planning to address anticipated growth or changes in the needs for infrastructure or with respect to a particular project. For example, a municipality expanding may hire a consulting engineer to provide advice and design on

sewers and drinking water lines needed to serve a new development. These consulting engineering firms are tasked with providing the municipality advice as to size, routing, use, and future expandability and make recommendations to the municipality's city engineer and elected officials. The consulting engineer hired by the city would have to be registered as a lobbyist even though what they are doing is providing the engineering advice they were hired to provide.

Consulting Engineering Firm Hired by a Property Owner and/or Developer in Connection with a Project.

The third way consulting engineers interact with political subdivisions is as a consultant hired by a developer or landowner pursuing a project under the political subdivision's jurisdiction. In many cases, a municipality will enter a development agreement with the landowners about a particular project such as a residential subdivision. Under that development agreement, the engineer, at the developer's expense, designs infrastructure for the project which meets the city's requirements. In connection with this work, the engineer often needs to provide information to the municipality with respect to the proposed designs to ensure that the designs meet the municipality's approval and the relevant ordinances. In addition, there needs to be discussion with policymakers regarding making the municipality's existing infrastructure available to the new project.

Engineers take an oath to protect the health, safety, and welfare of the public. We believe the changes proposed in HF2105 align with the goals of that oath ensuring that engineers can have dialogue with city officials on projects that matter to city officials. Municipalities benefit from having licensed professionals with experience providing them with information, opinions, and recommendations within their profession.

Signed,

Jonathan Curry,

CEO of the American Council of Engineering Companies of Minnesota