

# HOUSE BILL No. 4174

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 5 of Act No. 472 of the Public Acts of 1978, entitled

"An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts,"

as amended by Act No. 83 of the Public Acts of 1986, being section 4.415 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 5 of Act No. 472 of the Public Acts of  
2 1978, as amended by Act No. 83 of the Public Acts of 1986, being  
3 section 4.415 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 5. (1) "Legislative action" means introduction,  
6 sponsorship, support, opposition, consideration, debate, vote,

1 passage, defeat, approval, veto, delay, or an official action by  
2 an official in the executive branch or an official in the legis-  
3 lative branch on a bill, resolution, amendment, nomination,  
4 appointment, report, or any matter pending or proposed in a leg-  
5 islative committee or either house of the legislature.

6 Legislative action does not include the representation of a  
7 person who has been subpoenaed to appear before the legislature  
8 or an agency of the legislature.

9       (2) "Lobbying" means communicating directly with an official  
10 in the executive branch of state government or an official in the  
11 legislative branch of state government for the purpose of influ-  
12 encing legislative or administrative action. Lobbying does not  
13 include the providing of technical information by a person other  
14 than a person as defined in subsection (5) or an employee of a  
15 person as defined in subsection (5) when appearing before an  
16 officially convened legislative committee or executive department  
17 hearing panel. As used in this subsection, "technical  
18 information" means empirically verifiable data provided by a  
19 person recognized as an expert in the subject area to which the  
20 information provided is related.

21       (3) "Influencing" means promoting, supporting, affecting,  
22 modifying, opposing or delaying by any means, including the pro-  
23 viding of or use of information, statistics, studies, or  
24 analysis.

25       (4) "Lobbyist" means any of the following:

26       (a) A person whose expenditures for lobbying are more than  
27 \$1,000.00 in value in any 12-month period.

1 (b) A person whose expenditures for lobbying are more than  
2 \$250.00 in value in any 12-month period, if the amount is  
3 expended on lobbying a single public official.

4 (c) For the purpose of subdivisions (a) and (b), groups of  
5 25 or more people shall not have their personal expenditures for  
6 food, travel, and beverage included, providing those expenditures  
7 are not reimbursed by a lobbyist or lobbyist agent.

8 (d) The state or a political subdivision which contracts for  
9 a lobbyist agent.

10 (5) "Lobbyist agent" means a person who receives compensa-  
11 tion or reimbursement of actual expenses, or both, in a combined  
12 amount in excess of \$250.00 in any 12-month period for lobbying.

13 (6) "Representative of the lobbyist" means any of the  
14 following:

15 (a) An employee of the lobbyist or lobbyist agent.

16 (b) For purposes of section 8(1)(b)(i) and 9(1)(b), a member  
17 of the lobbyist or employee of a member of the lobbyist, when the  
18 lobbyist is a membership organization or association, and when  
19 the lobbyist agent or an employee of the lobbyist or lobbyist  
20 agent is present during any part of the period during which the  
21 purchased food or beverage is consumed.

22 (c) A person who is reimbursed by the lobbyist or lobbyist  
23 agent for an expenditure, other than an expenditure for food or  
24 beverage, which was incurred for the purpose of lobbying.

25 (7) Lobbyist or lobbyist agent does not include:

26 (a) A publisher, owner, or working member of the press,  
27 radio, or television while disseminating news or editorial

1 comment to the general public in the ordinary course of  
2 business.

3 (b) All elected or appointed public officials of state or  
4 local government who are acting in the course or scope of the  
5 office for no compensation, other than that provided by law for  
6 the office.

7 (c) For the purposes of this act, subdivision (b) shall not  
8 include:

9 (i) Employees of public or private colleges, community col-  
10 leges, junior colleges or universities.

11 (ii) Employees of townships, villages, cities, counties or  
12 school boards.

13 (iii) Employees of state executive departments.

14 (iv) Employees of the judicial branch of government.

15 (d) A member of a lobbyist, if the lobbyist is a membership  
16 organization or association, and if the member of a lobbyist does  
17 not separately qualify as a lobbyist under subsection (4).

18 (8) "Mass mailing" means not less than 1,000 pieces of sub-  
19 stantially similar material mailed within a 7-day period.

20 (9) "Official in the executive branch" means the governor,  
21 lieutenant governor, secretary of state, attorney general; or an  
22 individual who is in the executive branch of state government and  
23 not under civil service; a classified director, chief deputy  
24 director, or deputy director of a state department. This  
25 includes an individual who is elected or appointed and has not  
26 yet taken, or an individual who is nominated for appointment to,  
27 any of the offices or agencies enumerated in this subsection. An

1 official in the executive branch does not include a person  
2 serving in a clerical, nonpolicy-making, or nonadministrative  
3 capacity. In addition to all of the foregoing, an official in  
4 the executive branch includes all of the following:

5 (a) In the executive office of the governor, the chief and  
6 deputy chief of staff, press secretary, director of job training,  
7 and director of personnel.

8 (b) In the department of agriculture, the racing commis-  
9 sioner and a member of the agriculture commission.

10 (c) In the department of civil rights, a member of the civil  
11 rights commission.

12 (d) In the department of civil service, a member of the  
13 civil service commission.

14 (e) In the department of commerce, the commissioner of  
15 financial institutions, the executive director of the housing  
16 development authority, and a member of the liquor control commis-  
17 sion, strategic fund board, state housing development authority,  
18 travel commission, or public service commission.

19 (f) In the department of education, a member of the state  
20 board of education, higher education facilities commission,  
21 higher education facilities authority, higher education assist-  
22 ance authority, higher education student loan authority, or state  
23 tenure commission.

24 (g) In the department of labor, the director of the bureau  
25 of workers' disability compensation, the director of the employ-  
26 ment security commission, and a member of the construction code  
27 commission, employment relations commission, employment security

1 board of review, employment security commission, or wage  
2 deviation board.

3 (h) In the department of licensing and regulation, the state  
4 insurance commissioner.

5 (i) In the department of management and budget, the lottery  
6 commissioner, the director of the office of services to the  
7 aging, the director of the office of state employer, the chair-  
8 person of the crime victims compensation board, and a member of  
9 the council for the arts, state administrative board, state  
10 building authority, toxic substance control commission, or util-  
11 ity consumer participation board.

12 (j) In the department of natural resources, the supervisor  
13 of wells and a member of the air pollution control commission,  
14 ~~natural resources~~ commission OF NATURAL RESOURCES, COMMISSION  
15 OF CONSERVATION AND RECREATION, or water resources commission.

16 (k) In the department of public health, a member of the  
17 occupational health standards commission.

18 (l) In the department of transportation, a member of the  
19 aeronautics commission and a state transportation commissioner.

20 (m) In the department of treasury, a member of the hospital  
21 finance authority, investment advisory committee, or state tax  
22 commission.

23 (10) "Official in the legislative branch" means a member of  
24 the legislature, the auditor general, the deputy auditor general,  
25 an employee of the consumer's council, the director of the legis-  
26 lative retirement system, or any other employee of the

1 legislature other than an individual employed by the state in a  
2 clerical or nonpolicy-making capacity.

3 (11) "Governmental body" means any state legislative or gov-  
4 erning body, including a board, commission, committee, subcommit-  
5 tee, authority, or council, which is empowered by state constitu-  
6 tion, statute, or rule to exercise governmental or proprietary  
7 authority or perform a governmental or proprietary function, or a  
8 lessee thereof performing an essential public purpose and func-  
9 tion under the lease agreement.

10 Section 2. This amendatory act shall not take effect unless  
11 all of the following bills of the 86th Legislature are enacted  
12 into law:

13 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4177 (request  
14 no. 00827'91).

15 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4173 (request  
16 no. 00827'91 a).