

Act No. 117
Public Acts of 1994
Approved by the Governor
May 10, 1994
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**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Rep Fitzgerald

**Reps Allen Bodem Bullard, Dalman Dobb Dolan, Galloway Gernaat Gilmer Gnodtke Hammerstrom,
Horton, Jaye Jersevic Johnson Kaza Kukuk LeTarte Llewellyn London Lowe Martin McBryde
Middaugh Middleton Nye Randall Rhead Shugars, Vorva and Whyman named co sponsors
Reps Bankes Bobier Cropsey Munsell Oxender Stille and Voorhees named co sponsors**

ENROLLED HOUSE BILL No. 5416

AN ACT to amend the title and sections 6 8 24 26 28 29 41 42 52 54 and 55 of Act No 388 of the Public Acts of 1976 entitled An act to regulate political activity to regulate campaign financing to restrict campaign contributions and expenditures to require campaign statements and reports to regulate anonymous contributions to regulate campaign advertising and literature to provide for segregated funds for political purposes to provide for the use of public funds for political purposes to create a state campaign fund to provide for reversion of or refunding of unexpended balances to require reports to provide appropriations to prescribe penalties and to repeal certain acts and parts of acts sections 6 8 24 26 28 29 42 52 and 54 as amended by Act No 95 of the Public Acts of 1989 being sections 169 206 169 208 169 224 169 226 169 228 169 229 169 241 169 242 169 252 169 254 and 169 255 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 The title and sections 6 8 24 26 28 29 41 42 52 54 and 55 of Act No 388 of the Public Acts of 1976 sections 6 8 24 26 28 29 42 52 and 54 as amended by Act No 95 of the Public Acts of 1989 being sections 169 206 169 208 169 224 169 226 169 228 169 229 169 241 169 242 169 252 169 254 and 169 255 of the Michigan Compiled Laws are amended to read as follows

TITLE

An act to regulate political activity to regulate campaign financing to restrict campaign contributions and expenditures to require campaign statements and reports to regulate anonymous contributions to regulate campaign advertising and literature to provide for segregated funds for political purposes to provide for the use of public funds for political purposes to create certain funds to provide for reversion retention or refunding of unexpended balances in certain funds to require other statements and reports to regulate acceptance of certain gifts payments and reimbursements to prescribe the powers and duties of certain state departments and state and local officials and employees to provide appropriations to prescribe penalties and provide remedies and to repeal certain acts and parts of acts

Sec 6 (1) Expenditure means a payment donation loan or promise of payment of money or anything of ascertainable monetary value for goods materials services or facilities in assistance of or in opposition to the nomination or election of a candidate or the qualification passage or defeat of a ballot question

(2) Expenditure includes a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate or the qualification passage or defeat of a ballot question

(3) Expenditure does not include any of the following

(a) An expenditure for communication by a person with the person's paid members or shareholders and those individuals who can be solicited for contributions to a separate segregated fund under section 55

(b) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear inference

(c) An expenditure for the establishment administration or solicitation of contributions to a separate segregated fund or independent committee

(d) An expenditure by a broadcasting station newspaper magazine or other periodical or publication for a news story commentary or editorial in support of or opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting

(e) An offer or tender of an expenditure if expressly and unconditionally rejected or returned

(f) An expenditure for nonpartisan voter registration or nonpartisan get out the vote activities This exclusion does not apply if a candidate or group of candidates sponsors or finances the activity or is identified by name with the activity This exclusion does apply to an activity performed pursuant to sections 491 to 524 of the Michigan election law Act No 116 of the Public Acts of 1954 as amended being sections 168 491 to 168 524 of the Michigan Compiled Laws by the secretary of state and other registration officials who are identified by name with the activity This exclusion does apply to a candidate who is an elected officeholder and whose office is not on the ballot for the general election in the calendar year in which the expenditure is made or who is not a candidate within the meaning of sections 3(1)(a) and 3(1)(b) and who is identified by name with the activity

Sec 8 (1) Immediate family means any child residing in a candidate's household the candidate's spouse or any individual claimed by that candidate or that candidate's spouse as a dependent for federal income tax purposes

(2) Independent committee means a committee other than a political party committee which before contributing to a candidate committee of a candidate for state elective office under section 52(3) or 69(2) files a statement of organization as an independent committee at least 6 months before an election for which it expects to accept contributions or make expenditures in support of or in opposition to a candidate for nomination to or election to a state elective office and receives contributions from at least 25 persons and makes expenditures not to exceed the limitations of section 52(1) in support of or in opposition to 3 or more candidates for nomination for or election to a state elective office in the same calendar year

Sec 24 (1) A committee shall file a statement of organization with the filing officials designated in section 36 to receive the committee's campaign statements A statement of organization shall be filed within 10 days after a committee is formed A filing official shall maintain a statement of organization filed by a committee until 5 years after the official date of the committee's dissolution A person who fails to file a statement of organization required by this subsection shall pay a late filing fee of \$10 00 for each business day the statement remains not filed in violation of this subsection The late filing fee shall not exceed \$300 00 A person who violates this subsection by failing to file for more than 30 days after a statement of organization is required to be filed is guilty of a misdemeanor punishable by a fine of not more than \$1 000 00

(2) The statement of organization required by subsection (1) shall include the following information

(a) The name street address and if available the telephone number of the committee A committee address may be the home address of the candidate or treasurer of the committee

(b) The name street address and if available the telephone number of the treasurer or other individual designated as responsible for the committee's record keeping report preparation or report filing

(c) The name and address of the financial institution in which the official committee depository is or is intended to be located and the name and address of each financial institution in which a secondary depository is or is intended to be located

(d) The full name of the office being sought by including district number or jurisdiction and the county residence of each candidate supported or opposed by the committee

(e) A brief statement identifying the substance of each ballot question supported or opposed by the committee If the ballot question supported or opposed by the committee is not statewide the committee shall identify the county in which the greatest number of registered voters eligible to vote on the ballot question reside

(f) Identification of the committee as a candidate committee political party committee independent committee political committee or ballot question committee if it is identifiable as such a committee

(3) An independent committee or political committee shall include in the name of the committee the name of the person or persons that sponsor the committee if any or with whom the committee is affiliated. A person other than an individual or a committee sponsors or is affiliated with an independent committee or political committee if that person establishes directs controls or financially supports the administration of the committee. For the purposes of this subsection a person does not financially support the administration of a committee by merely making a contribution to the committee.

(4) If any of the information required in a statement of organization is changed the committee shall file an amendment when the next campaign statement is required to be filed. An independent committee or political committee whose name does not include the name of the person or persons that sponsor the committee or with whom the committee is affiliated as required by subsection (3) shall file an amendment to the committee's statement of organization not later than the date the next campaign statement is required to be filed after the effective date of the amendatory act that added this sentence.

(5) When filing a statement of organization a committee other than an independent committee a political committee or a political party committee may indicate in a written statement signed by the treasurer of the committee that the committee does not expect for each election to receive an amount in excess of \$1 000 00 or expend an amount in excess of \$1 000 00.

(6) When filing a statement of organization an independent committee a political committee or a political party committee may indicate in a written statement signed by the treasurer of the committee that the committee does not expect in a calendar year to receive or expend an amount in excess of \$1 000 00.

(7) Upon the dissolution of a committee the committee shall file a statement indicating dissolution with the filing officials with whom the committee's statement of organization was filed. Dissolution of a committee shall be accomplished pursuant to rules promulgated by the secretary of state under the administrative procedures act of 1969 Act No. 306 of the Public Acts of 1969 being sections 24 201 to 24 328 of the Michigan Compiled Laws.

(8) A candidate committee that files a written statement pursuant to subsection (5) shall not be required to file a dissolution statement pursuant to subsection (7) if the committee failed to receive or expend an amount in excess of \$1 000 00 and 1 of the following applies:

- (a) The candidate was defeated in an election and has no outstanding campaign debts or assets.
- (b) The candidate vacates an elective office and has no outstanding campaign debts or assets.

Sec. 26 (1) A campaign statement of a committee other than a political party committee required by this act shall contain all of the following information:

(a) The filing committee's name address and telephone number and the full name residential and business addresses and telephone numbers of the committee treasurer or other individual designated as responsible for the committee's record keeping report preparation or report filing.

(b) Under the heading receipts the total amount of contributions received during the period covered by the campaign statement under the heading expenditures the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of those totals. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as an in-kind contribution by the third party. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures. A contribution or expenditure that is by other than completed and accepted payment gift or other transfer that is clearly not legally enforceable and that is expressly withdrawn or rejected and returned before a campaign statement closing date need not be included in the campaign statement and if included may in a later or amended statement be shown as a deduction but the committee shall keep adequate records of each instance.

(c) The balance of cash on hand at the beginning and the end of the period covered by the campaign statement.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who contributed more than \$20 00.

(e) The total amount of contributions received during the period covered by the campaign statement from persons who contributed \$20 00 or less.

(f) The total amount of contributions of \$20 00 or less received during the period covered by the campaign statement and the cumulative amount of the contributions received by the filer pursuant to section 41(3).

(g) The following information regarding each fund-raising event shall be included in the report:

(i) The type of event date held address and name if any of the place where the activity was held and approximate number of individuals participating or in attendance.

(ii) The total amount of all contributions of more than \$20 00.

(u) The total amount of all contributions of \$20 00 or less

(v) The gross receipts of the fund raising event

(v) The expenditures incident to the event

(h) The full name of each individual from whom contributions totaling more than \$20 00 are received during the period covered by the campaign statement together with the individual's street address the amount contributed the date on which each contribution was received and the cumulative amount contributed by that individual The occupation employer and principal place of business shall be stated if the individual's cumulative contributions are more than \$100 00

(i) The cumulative amount contributed and the name and address of each individual except those individuals reported under subdivision (h) who contributed a total of more than \$20 00 The occupation employer and principal place of business shall be stated for each individual who contributed more than \$100 00

(j) The name and street address of each person other than an individual from whom contributions are received during the period covered by the campaign statement together with an itemization of the amounts contributed the date on which each contribution was received and the cumulative amount contributed by that person

(k) The name address and amount given by an individual who contributed more than \$20 00 to the total amount contributed by a person who is other than a committee or an individual The occupation employer and principal place of business shall be stated if the individual contributed more than \$100 00 of the total amount contributed by a person who is other than a committee or an individual

(l) The cumulative total of expenditures of \$50 00 or less made during the period covered by the campaign statement except for expenditures made to or on behalf of another committee candidate or ballot question

(m) The full name and street address of each person to whom expenditures totaling more than \$50 00 were made together with the amount of each separate expenditure to each person during the period covered by the campaign statement the purpose of the expenditure the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee the itemization regardless of amount of each expenditure made to or on behalf of another committee candidate or ballot question and the cumulative amount of expenditures for or against that candidate or ballot question for an election cycle An expenditure made in support of more than 1 candidate or ballot question or both shall be apportioned reasonably among the candidates or ballot questions or both

(2) A candidate committee or ballot question committee shall report all cumulative amounts required by this section on a per election cycle basis Except for subsection (1)(m) an independent committee or political committee shall report all cumulative amounts required by this section on a calendar year basis

Sec 28 (1) Interest received by a committee on an account consisting of funds belonging to the committee shall not be considered a contribution to the committee but the committee shall report its receipt on a campaign statement as interest A committee shall report interest paid by the committee on a campaign statement as an expenditure

(2) A committee shall report a loan with an outstanding balance made or received in a separate schedule attached to the campaign statement providing the date and amount of the loan the date and amount of each payment the amount of cumulative payments the amount of the outstanding balance and whether the loan payments were made by money services property or other means The committee shall provide the name and address of the lender and each person who is liable directly indirectly or contingently on each loan of more than \$20 00 The committee shall provide the occupation and employer if any of the lender and each person if the loan is for more than \$100 00 If a loan is paid off within a reporting period this activity need not be reported on a separate schedule to the campaign statement However if a loan is forgiven the committee shall detail that fact on a separate schedule to the campaign statement

(3) Accompanying a campaign statement reporting the receipt of a contribution of more than \$20 00 from a person whose treasurer does not reside in whose principal office is not located in or whose funds are not kept in this state shall be a statement certified as true and correct by an officer of the contributing person setting forth the full name address along with the amount contributed of each person who contributed more than \$20 00 of the contribution The occupation employer and principal place of business shall be stated for each person who contributed more than \$100 00 This subsection does not apply if the contributing person is registered as a committee under section 24

Sec 29 (1) A campaign statement filed by a political party committee shall contain all of the following information

(a) The full name of each person from whom contributions totaling more than \$20 00 in value are received in a calendar year the amount and the date or dates contributed and if the person is a committee the name and address of the committee and the full name of the committee treasurer together with the amount of the contribution and the date received The occupation employer and principal place of business if any shall be listed for each person from whom contributions totaling more than \$100 00 are received in a calendar year

(b) Accompanying a campaign statement reporting the receipt of a contribution of more than \$20 00 from a committee or person whose treasurer does not reside in whose principal office is not located in or whose funds are not

kept in this state and whose committee has not filed a statement of organization as required in section 24 shall be a statement setting forth the full name and address of the treasurer of the committee

(c) An itemized list of all expenditures including in kind contributions and expenditures and loans made during the period covered by the campaign statement that were contributions to a candidate committee of a candidate for elective office or a ballot question committee or independent expenditures in support of the qualification passage or defeat of a ballot question or in support of the nomination or election of a candidate for elective office or the defeat of any of the candidate's opponents

(d) The total expenditure by the committee for each candidate for elective office or ballot question in whose behalf an independent expenditure was made or a contribution was given for the election cycle

(e) The filer's name address and telephone number if available if any and the full name address and telephone number if available of the committee treasurer

(2) The committee shall identify an expenditure listed under subsection (1)(c) as an independent expenditure or as a contribution to a candidate committee or a ballot question committee

(3) The committee shall designate for a contribution to or on behalf of a candidate committee or ballot question committee listed under subsection (1)(c) the name and address of the committee the name of the candidate and the office sought if any the amount contributed and the date of contribution

(4) The committee shall designate for an independent expenditure listed under subsection (1)(c) either the name of the candidate for whose benefit the expenditure was made and the office sought by the candidate or a brief description of the ballot question for which the expenditure was made the amount date and purpose of the expenditure and the full name and address of the person to whom the expenditure was made

(5) The committee shall apportion an expenditure listed that was made in support of more than 1 candidate or ballot question or both reasonably among the candidates or ballot questions or both

Sec 41 (1) A person shall not make or accept a single contribution of more than \$20 00 in cash or make or accept a single expenditure of more than \$50 00 in cash Contributions of more than \$20 00 and expenditures of more than \$50 00 other than an in kind contribution or expenditure shall be made by written instrument containing the names of the payor and the payee

(2) A person shall not accept or expend an anonymous contribution An anonymous contribution received by a person shall not be deposited but shall be given to a tax exempt charitable organization The charitable organization receiving the contribution shall provide the person with a receipt The receipt shall be returned by an appropriate committee pursuant to section 22

(3) A contribution received as the result of a fund raising event or casual services or from the sale of political merchandise that is \$20 00 or less in the aggregate from a person in any calendar year is not considered an anonymous contribution A contribution received from membership fees dues or subscriptions for political purposes to an independent committee or a political party committee that is \$20 00 or less in the aggregate from a person in any calendar year is not considered an anonymous contribution

(4) A person making a contribution pursuant to subsection (3) that is more than \$20 00 in any calendar year when added to all other contributions made to that committee by that person shall furnish the recipient with the donor's name address and the total amount contributed

(5) A contribution shall not be made directly or indirectly by any person in a name other than the name by which that person is identified for legal purposes

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable if the person is an individual by a fine of not more than \$1 000 00 or imprisonment for not more than 90 days or both or if the person is other than an individual by a fine of not more than \$10 000 00

Sec 42 (1) A person who accepts a contribution other than by written instrument on behalf of another and acts as the intermediary or agent of the person from whom the contribution was accepted shall disclose to the recipient of the contribution the intermediary's own name and address and the name and address of the actual source of the contribution

(2) A contribution of more than \$20 00 from a person whose treasurer does not reside in whose principal office is not located in or whose funds are not kept in this state shall not be accepted by a person for purposes of supporting or opposing candidates for elective office or the qualification passage or defeat of a ballot question unless accompanied by a statement certified as true and correct by an officer of the contributing person setting forth the full name and address along with the amount contributed of each person who contributed more than \$20 00 of the contribution The occupation employer and principal place of business shall be listed for each person who contributed more than \$100 00 to the total amount of the contribution The certified statement shall also state that the contribution was not made from an account containing funds prohibited by section 54 This subsection does not apply if the contributing person is registered as a committee under section 24

(3) A person shall not receive a contribution from a person other than a committee unless for purposes of the recipient person's record keeping and reporting requirements the contribution is accompanied by the name and address of each person who contributed more than \$20 00 to the contribution and the name address occupation employer and principal place of business of each person who contributed more than \$100 00 to the total amount of the contribution

(4) A person who knowingly violates this section is guilty of a misdemeanor punishable if the person is an individual by a fine of not more than \$1 000 00 or imprisonment for not more than 90 days or both or if the person is other than an individual by a fine of not more than \$10 000 00

Sec 52 (1) Except as provided in subsection (7) a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate for state elective office that with respect to an election cycle are more than the following

(a) \$3 400 00 for a candidate for state elective office other than the office of state legislator

(b) \$1 000 00 for a candidate for state senator

(c) \$500 00 for a candidate for state representative

(2) For the purpose of subsection (1) with respect to an election cycle means 1 of the following

(a) For a general election the period beginning the day following the last general election in which the office appeared on the ballot and ending on the day of the next general election in which the office next appears on the ballot

(b) For a special election the period beginning the day a special general election is scheduled or the date the office becomes vacant whichever is earlier and ending on the day of the special general election

(3) An independent committee shall not make contributions to a candidate committee of a candidate for state elective office that in the aggregate for that election cycle are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1)

(4) A political party committee other than a state central committee shall not make contributions to the candidate committee of a candidate for state elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1)

(5) A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state elective office other than a candidate for the legislature that are more than 20 times the amount permitted a person other than an independent committee or political party committee in subsection (1) A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state senator or state representative that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1)

(6) A contribution from a member of a candidate's immediate family to the candidate committee of that candidate is exempt from the limitations of subsection (1)

(7) Consistent with the provisions of this section a contribution designated in writing for a particular election cycle shall be considered made for that election cycle A contribution made after the close of a particular election cycle and designated in writing for that election cycle shall be made only to the extent that the contribution does not exceed the candidate committee's net outstanding debts and obligations from the election cycle so designated If a contribution is not designated in writing for a particular election cycle the contribution shall be considered made for the election cycle that corresponds to the date of the written instrument

(8) A candidate committee a candidate or a treasurer or agent of a candidate committee shall not accept a contribution with respect to an election cycle that exceeds the limitations in subsection (1) (3) (4) or (5)

(9) For the purposes of this act a contribution made or received before June 21 1989 is considered to be made with respect to an election cycle

(10) A person who knowingly violates this section is guilty of a misdemeanor punishable if the person is an individual by a fine of not more than \$1 000 00 or imprisonment for not more than 90 days or both or if the person is not an individual by a fine of not more than \$10 000 00

(11) For purposes of the limitations provided in subsections (1) and (3) all contributions made by political committees or independent committees established by any corporation joint stock company or labor organization including any parent subsidiary branch division department or local unit thereof shall be considered to have been made by a single independent committee By way of illustration and not limitation all of the following apply as a result of the application of this requirement

(a) All of the political committees and independent committees established by a for profit corporation or joint stock company by a subsidiary of the for profit corporation or joint stock company or by any combination thereof are treated as a single independent committee

(b) All of the political committees and independent committees established by a single national or international labor organization by a labor organization of that national or international labor organization by a local labor organization of

that national or international labor organization or by any other subordinate organization of that national or international labor organization or by any combination thereof are treated as a single independent committee

(c) All of the political committees and independent committees established by an organization of national or international unions by a state central body of that organization by a local central body of that organization or by any combination thereof are treated as a single independent committee

(d) All of the political committees and independent committees established by a nonprofit corporation by a related state entity of that nonprofit corporation by a related local entity of that nonprofit corporation or by any combination thereof are treated as a single independent committee

Sec 54 (1) Except with respect to the exceptions and conditions in subsections (2) and (3) and section 55 and to loans made in the ordinary course of business a corporation joint stock company or labor organization shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution pursuant to section 4(3)(a)

(2) An officer director stockholder attorney agent or any other person acting for a labor organization or a corporation or joint stock company or whether incorporated under the laws of this or any other state or foreign country except corporations formed for political purposes shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution pursuant to section 4(3)(a)

(3) A corporation joint stock company or labor organization may make a contribution to a ballot question committee subject to this act A corporation joint stock company or labor organization may make an independent expenditure in any amount for the qualification passage or defeat of a ballot question A corporation joint stock company or labor organization that makes an independent expenditure under this subsection is considered a ballot question committee for the purposes of this act

(4) A person who knowingly violates this section is guilty of a felony punishable if the person is an individual by a fine of not more than \$5 000 00 or imprisonment for not more than 3 years or both or if the person is not an individual by a fine of not more than \$10 000 00

Sec 55 (1) A corporation organized on a for profit or nonprofit basis a joint stock company or a labor organization formed under the laws of this or another state or foreign country may make an expenditure for the establishment and administration and solicitation of contributions to a separate segregated fund to be used for political purposes A separate segregated fund established under this section shall be limited to making contributions to and expenditures on behalf of candidate committees ballot question committees political party committees political committees and independent committees

(2) Contributions for a separate segregated fund established by a corporation organized on a for profit basis or a joint stock company under this section may be solicited from any of the following persons or their spouses

(a) Stockholders of the corporation or company

(b) Officers and directors of the corporation or company

(c) Employees of the corporation or company who have policy making managerial professional supervisory or administrative nonclerical responsibilities

(3) Contributions for a separate segregated fund established under this section by a corporation organized on a nonprofit basis may be solicited from any of the following persons or their spouses

(a) Members of the corporation who are individuals

(b) Stockholders of members of the corporation

(c) Officers or directors of members of the corporation

(d) Employees of the members of the corporation who have policy making managerial professional supervisory or administrative nonclerical responsibilities

(e) Employees of the corporation who have policy making managerial professional supervisory or administrative nonclerical responsibilities

(4) Contributions for a separate segregated fund established under this section by a labor organization may be solicited from any of the following persons or their spouses

(a) Members of the labor organization who are individuals

(b) Officers or directors of the labor organization

(c) Employees of the labor organization who have policy making managerial professional supervisory or administrative nonclerical responsibilities

(5) Contributions shall not be obtained for a separate segregated fund established under this section by use of coercion physical force or as a condition of employment or membership or by using or threatening to use job discrimination or financial reprisals A corporation organized on a for profit or nonprofit basis a joint stock company or

a labor organization shall not solicit or obtain contributions for a separate segregated fund established under this section from an individual described in subsection (2) (3) or (4) on an automatic or passive basis including but not limited to a payroll deduction plan or reverse checkoff method A corporation organized on a for profit or nonprofit basis a joint stock company or a labor organization may solicit or obtain contributions for a separate segregated fund established under this section from an individual described in subsection (2) (3) or (4) on an automatic basis including but not limited to a payroll deduction plan only if the individual who is contributing to the fund affirmatively consents to the contribution at least once in every calendar year

(6) A person who knowingly violates this section is guilty of a felony punishable if the person is an individual by a fine of not more than \$5 000 00 or imprisonment for not more than 3 years or both or if the person is not an individual by a fine of not more than \$10 000 00

Section 2 If any portion of this amendatory act or the application of any portion of this amendatory act to any person or circumstance is found to be invalid by a court the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portions or application if the remaining portions are not determined by the court to be inoperable and to this end this amendatory act is declared to be severable

Section 3 This amendatory act shall take effect April 1 1995

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor