

# HOUSE BILL No. 6200

September 24, 1998, Introduced by Reps. Brater, Schauer, Kaza, LaForge and Parks and referred to the Committee on House Oversight and Ethics.

A bill to amend 1978 PA 472, 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,"

by amending section 4 (MCL 4.414) and by adding section 6b.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) "Gift" means a payment, advance, forbearance,  
2 or the rendering or deposit of money, services, or anything of  
3 value, the value of which exceeds \$25.00 in any 1-month period,  
4 unless consideration of equal or greater value is received  
5 therefor. NOTWITHSTANDING SUBDIVISION (D), GIFT INCLUDES AN  
6 EXPENDITURE FOR MEALS OR ENTERTAINMENT IN EXCESS OF \$20.00 IN ANY  
7 INSTANCE RELATIVE TO AN OFFICIAL IN THE EXECUTIVE BRANCH OR AN  
8 INDIVIDUAL WITH A PERSONAL SERVICES CONTRACTUAL RELATIONSHIP WITH

1 AN AGENCY OF THE EXECUTIVE BRANCH OR THE GOVERNOR'S OFFICE. Gift  
2 does not include ANY OF THE FOLLOWING:

3 (a) A campaign contribution otherwise reported as required  
4 by ~~Act No. 388 of the Public Acts of 1976, as amended, being~~  
5 ~~sections 169.201 to 169.282 of the Michigan Compiled Laws~~ THE  
6 MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.201 TO  
7 169.282.

8 (b) A loan made in the normal course of business by an  
9 institution as defined in section 5 of ~~Act No. 319 of the Public~~  
10 ~~Acts of 1969, as amended, being section 487.305 of the Michigan~~  
11 ~~Compiled Laws~~ THE BANKING CODE OF 1969, 1969 PA 319,  
12 MCL 487.305, a national bank, a branch bank, an insurance company  
13 issuing a loan or receiving a mortgage in the normal course of  
14 business, a premium finance company, a mortgage company, a small  
15 loan company, a state or federal credit union, a savings and loan  
16 association chartered by this state or the federal government, or  
17 a licensee as defined by ~~Act No. 27 of the Public Acts of the~~  
18 ~~Extra Session of 1950, as amended, being sections 492.101 to~~  
19 ~~492.141 of the Michigan Compiled Laws~~ THE MOTOR VEHICLE SALES  
20 FINANCE ACT, 1950 (EX SESS) PA 27, MCL 492.101 TO 492.141.

21 (c) A gift received from a member of the person's immediate  
22 family, a relative of a spouse, a relative within the seventh  
23 degree of consanguinity as computed by the civil law method, or  
24 from the spouse of the relative.

25 (d) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
26 breakfast, luncheon, dinner, or other refreshment consisting of  
27 food and beverage provided for immediate consumption.

1 ~~(e) A donation to an officeholder expense fund otherwise~~  
2 ~~reported as required by Act No. 388 of the Public Acts of 1976,~~  
3 ~~as amended, being sections 169.201 to 169.282 of the Michigan~~  
4 ~~Compiled Laws.~~

5 (2) "Immediate family" means a child residing in an  
6 individual's household, a spouse of an individual, or an individ-  
7 ual claimed by that individual or that individual's spouse as a  
8 dependent for federal income tax purposes.

9 (3) "Loan" means a transfer of money, property, or anything  
10 of ascertainable value in exchange for an obligation, conditional  
11 or not, to repay in whole or in part.

12 SEC. 6B. (1) AN OFFICIAL IN THE EXECUTIVE BRANCH SHALL NOT  
13 MAKE EXPENDITURES FOR, OR RECEIVE COMPENSATION OR REIMBURSEMENT  
14 FOR ACTUAL EXPENSES FOR, LOBBYING FOR AT LEAST 1 YEAR AFTER LEAV-  
15 ING THE EXECUTIVE BRANCH.

16 (2) AN INDIVIDUAL WITH A PERSONAL SERVICES CONTRACTUAL RELA-  
17 TIONSHIP WITH AN AGENCY OF THE EXECUTIVE BRANCH OR WITH THE  
18 GOVERNOR'S OFFICE SHALL NOT MAKE EXPENDITURES FOR, OR RECEIVE  
19 COMPENSATION OR REIMBURSEMENT FOR ACTUAL EXPENSES FOR, LOBBYING  
20 FOR AT LEAST 1 YEAR AFTER TERMINATING THE CONTRACTUAL RELATION-  
21 SHIP WITH THE AGENCY OF THE EXECUTIVE BRANCH OR THE GOVERNOR'S  
22 OFFICE.

23 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-  
24 MEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRIS-  
25 ONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.