

HOUSE BILL No. 6302

December 1, 1998, Introduced by Reps. Richner, Dobb, Bobier, Kaza, Crissman, Bodem, London, Dalman, Oxender, Brackenridge, Nye, Gire, Profit and McNutt 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 5 (MCL 4.415), as amended by 1986 PA 83.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Legislative action" means introduction, spon-
2 sorship, support, opposition, consideration, debate, vote, pas-
3 sage, defeat, approval, veto, delay, or an official action by an
4 official in the executive branch or an official in the legisla-
5 tive branch on a bill, resolution, amendment, nomination,
6 appointment, report, or any matter pending or proposed in a leg-
7 islative committee or either house of the legislature.
8 Legislative action does not include the representation of a

1 person who has been subpoenaed to appear before the legislature
2 or an agency of the legislature.

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

15 (3) "Influencing" means promoting, supporting, affecting,
16 modifying, opposing or delaying by any means, including the pro-
17 viding of or use of information, statistics, studies, or
18 analysis.

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

20 (a) A person whose expenditures for lobbying are more than
21 \$1,000.00 in value in any 12-month period.

22 (b) A person whose expenditures for lobbying are more than
23 \$250.00 in value in any 12-month period, if the amount is
24 expended on lobbying a single public official.

25 (c) For the purpose of subdivisions (a) and (b), groups of
26 25 or more people shall not have their personal expenditures for

1 food, travel, and beverage included, providing those expenditures
2 are not reimbursed by a lobbyist or lobbyist agent.

3 (d) The state or a political subdivision which contracts for
4 a lobbyist agent.

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

8 (6) "Representative of the lobbyist" means any of the
9 following:

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

11 (b) For purposes of ~~section~~ SECTIONS 8(1)(b)(i) and
12 9(1)(b), a member of the lobbyist or employee of a member of the
13 lobbyist, when the lobbyist is a membership organization or asso-
14 ciation, and when the lobbyist agent or an employee of the lobby-
15 ist or lobbyist agent is present during any part of the period
16 during which the purchased food or beverage is consumed.

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

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

21 (a) A publisher, owner, or working member of the press,
22 radio, or television while disseminating news or editorial com-
23 ment to the general public in the ordinary course of business.

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

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

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

5 (ii) Employees of townships, villages, cities, counties or
6 school boards.

7 (iii) Employees of state executive departments.

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

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

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

14 (9) "Official in the executive branch" means the governor,
15 lieutenant governor, secretary of state, attorney general; or an
16 individual who is in the executive branch of state government and
17 not under civil service; a classified director, chief deputy
18 director, or deputy director of a state department. ~~This~~
19 OFFICIAL IN THE EXECUTIVE BRANCH includes an individual who is
20 elected or appointed and has not yet taken, or an individual who
21 is nominated for appointment to, any of the offices or agencies
22 enumerated in this subsection. An official in the executive
23 branch does not include a person serving in a clerical,
24 nonpolicy-making, or nonadministrative capacity. In addition to
25 all of the foregoing, an official in the executive branch
26 includes all of the following:

1 (a) In the executive office of the governor, the chief and
2 deputy chief of staff, press secretary, director of job training,
3 and director of personnel.

4 (b) In the department of agriculture, the racing commis-
5 sioner and a member of the ~~agriculture~~ commission OF
6 AGRICULTURE.

7 (c) In the department of civil rights, a member of the
8 MICHIGAN DEPARTMENT OF civil rights commission.

9 (d) In the department of civil service, a member of the
10 civil service commission.

11 (e) In the department of ~~commerce~~ CONSUMER AND INDUSTRY
12 SERVICES, the commissioner of financial institutions, the execu-
13 tive director of the housing development authority, and a member
14 of the liquor control commission, ~~strategic fund board~~ COUNCIL
15 FOR THE ARTS AND CULTURAL AFFAIRS, state housing development
16 authority, ~~travel~~ OCCUPATIONAL HEALTH STANDARDS commission,
17 ~~or~~ public service commission, THE DIRECTOR OF THE BUREAU OF
18 WORKERS' DISABILITY COMPENSATION, AND A MEMBER OF THE CONSTRUC-
19 TION CODE COMMISSION, EMPLOYMENT RELATIONS COMMISSION, EMPLOYMENT
20 SECURITY BOARD OF REVIEW, WAGE DEVIATION BOARD, OR THE STATE
21 INSURANCE COMMISSIONER.

22 (f) In the department of education, a member of the state
23 board of education ~~, higher education facilities commission,~~
24 ~~higher education facilities authority, higher education assist-~~
25 ~~ance authority, higher education student loan authority,~~ or
26 state tenure commission.

1 ~~-(g) In the department of labor, the director of the bureau~~
2 ~~of workers' disability compensation, the director of the~~
3 ~~employment security commission, and a member of the construction~~
4 ~~code commission, employment relations commission, employment~~
5 ~~security board of review, employment security commission, or wage~~
6 ~~deviation board.~~

7 ~~(h) In the department of licensing and regulation, the state~~
8 ~~insurance commissioner.~~

9 (G) ~~-(i)-~~ In the department of management and budget, ~~the~~
10 ~~lottery commissioner,~~ the director of the office of services to
11 the aging, the director of the office of state employer, the
12 chairperson of the crime victims compensation board, and a member
13 of the ~~council for the arts,~~ state administrative board, state
14 building authority, toxic substance control commission, or util-
15 ity consumer participation board.

16 (H) ~~-(j)-~~ In the department of natural resources, ~~the~~
17 ~~supervisor of wells and~~ a member of the ~~air pollution control~~
18 ~~commission,~~ natural resources commission ~~,~~ or water resources
19 commission.

20 (I) IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE SUPERVI-
21 SOR OF WELLS.

22 (J) ~~-(k)-~~ In the department of ~~public~~ COMMUNITY health, a
23 member of the ~~occupational health standards commission~~ OFFICE
24 FOR SERVICES TO THE AGING, AND CRIMES VICTIMS COMPENSATION
25 BOARD.

1 (K) ~~(I)~~ In the department of transportation, a member of
2 the aeronautics commission and a state transportation
3 commissioner.

4 (1) ~~(m)~~ In the department of treasury, THE LOTTERY COMMIS-
5 SIONER, OR a member of the HIGHER EDUCATION ASSISTANCE AUTHORITY,
6 HIGHER EDUCATION STUDENT LOAN AUTHORITY, HIGHER EDUCATION FACILI-
7 TIES COMMISSION, HIGHER EDUCATION FACILITIES AUTHORITY, hospital
8 finance authority, investment advisory committee, or state tax
9 commission.

10 (M) IN THE DEPARTMENT OF MICHIGAN JOBS COMMISSION, THE
11 DIRECTOR OF THE EMPLOYMENT SERVICES AGENCY AND A MEMBER OF THE
12 EMPLOYMENT SERVICES AGENCY, STRATEGIC FUND BOARD, AND TRAVEL
13 MICHIGAN.

14 (10) "Official in the legislative branch" means a member of
15 the legislature, the auditor general, the deputy auditor general,
16 an employee of the consumer's council, the director of the legis-
17 lative retirement system, A CANDIDATE AS THAT TERM IS DEFINED IN
18 SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388,
19 MCL 169.203, or any other employee of the legislature other than
20 an individual employed by the state in a clerical or
21 nonpolicy-making capacity.

22 (11) "Governmental body" means any state legislative or gov-
23 erning body, including a board, commission, committee, subcommit-
24 tee, authority, or council, which is empowered by state constitu-
25 tion, statute, or rule to exercise governmental or proprietary
26 authority or perform a governmental or proprietary function, or a

1 lessee thereof performing an essential public purpose and
2 function under the lease agreement.