

SUBSTITUTE FOR
SENATE BILL NO. 1263

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 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Gift" means a payment, advance, forbearance, or
2 the rendering or deposit of money, services, or anything of value,
3 the value of which exceeds \$25.00, **AS ADJUSTED UNDER SECTION 19A,**
4 in any 1-month period, unless consideration of equal or greater
5 value is received therefor. **GIFT INCLUDES A PAYMENT, ADVANCE,**
6 **FORBEARANCE, OR THE RENDERING OR DEPOSIT OF MONEY, SERVICES, OR**
7 **ANYTHING OF VALUE TO AID THE DEFENSE OF AN OFFICIAL IN THE**
8 **LEGISLATIVE BRANCH OR AN OFFICIAL IN THE EXECUTIVE BRANCH AGAINST A**

1 **LEGAL ACTION NOT DIRECTLY RELATED TO THE GOVERNMENTAL DUTIES OF THE**
2 **OFFICIAL.** Gift does not include **THE FOLLOWING:**

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

7 (b) A loan made in the normal course of business by an
8 institution as defined in ~~section 5 of Act No. 319 of the Public~~
9 ~~Acts of 1969, as amended, being section 487.305 of the Michigan~~
10 ~~Compiled Laws~~ **CHAPTER 1 OF THE BANKING CODE OF 1999, 1999 PA 276,**
11 **MCL 487.11101 TO 487.11203,** a national bank, a branch bank, an
12 insurance company issuing a loan or receiving a mortgage in the
13 normal course of business, a premium finance company, a mortgage
14 company, a small loan company, a state or federal credit union, a
15 savings and loan association chartered by this state or the federal
16 government, or a licensee as defined by ~~Act No. 27 of the Public~~
17 ~~Acts of the Extra Session of 1950, as amended, being sections~~
18 ~~492.101 to 492.141 of the Michigan Compiled Laws~~ **THE MOTOR VEHICLE**
19 **SALES FINANCE ACT, 1950 (EX SESS) PA 27, MCL 492.101 TO 492.141.**

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

24 (d) A breakfast, luncheon, dinner, or other refreshment
25 consisting of food and beverage provided for immediate consumption.

26 (e) ~~A donation to an officeholder expense fund otherwise~~
27 ~~reported as required by Act No. 388 of the Public Acts of 1976, as~~

1 ~~amended, being sections 169.201 to 169.282 of the Michigan Compiled~~
2 ~~Laws.~~ A CONTRIBUTION TO A LEGAL DEFENSE FUND THAT IS REGISTERED
3 WITH THE SECRETARY OF STATE UNDER THE LEGAL DEFENSE FUND ACT AND
4 WHOSE PURPOSE IS TO DEFEND AN ELECTED OFFICIAL AGAINST ANY
5 CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION, THAT ARISES DIRECTLY OUT
6 OF THE CONDUCT OF THE ELECTED OFFICIAL'S GOVERNMENTAL DUTIES.

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

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

14 SEC. 19. (1) A DECLARATORY RULING SHALL BE ISSUED BY THE
15 SECRETARY OF STATE UNDER THIS SECTION ONLY IF THE PERSON REQUESTING
16 THE RULING HAS PROVIDED A REASONABLY COMPLETE STATEMENT OF FACTS
17 NECESSARY FOR THE RULING OR IF THE PERSON REQUESTING THE RULING
18 HAS, WITH THE PERMISSION OF THE SECRETARY OF STATE, SUPPLIED
19 SUPPLEMENTAL FACTS NECESSARY FOR THE RULING. A REQUEST FOR A
20 DECLARATORY RULING THAT IS SUBMITTED TO THE SECRETARY OF STATE
21 SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION WITHIN 48 HOURS AFTER
22 ITS RECEIPT. AN INTERESTED PERSON MAY SUBMIT WRITTEN COMMENTS
23 REGARDING THE REQUEST TO THE SECRETARY OF STATE WITHIN 10 BUSINESS
24 DAYS AFTER THE DATE THE REQUEST IS MADE AVAILABLE TO THE PUBLIC.
25 WITHIN 45 BUSINESS DAYS AFTER RECEIVING A DECLARATORY RULING
26 REQUEST, THE SECRETARY OF STATE SHALL MAKE A PROPOSED RESPONSE
27 AVAILABLE TO THE PUBLIC. AN INTERESTED PERSON MAY SUBMIT WRITTEN

Senate Bill No. 1263 as amended June 26, 2008

1 COMMENTS REGARDING THE PROPOSED RESPONSE TO THE SECRETARY OF STATE
2 WITHIN 5 BUSINESS DAYS AFTER THE DATE THE PROPOSAL IS MADE
3 AVAILABLE TO THE PUBLIC. EXCEPT AS OTHERWISE PROVIDED IN THIS
4 SECTION, THE SECRETARY OF STATE SHALL ISSUE A DECLARATORY RULING
5 WITHIN 60 BUSINESS DAYS AFTER A REQUEST FOR A DECLARATORY RULING IS
6 RECEIVED. IF THE SECRETARY OF STATE REFUSES TO ISSUE A DECLARATORY
7 RULING, THE SECRETARY OF STATE SHALL NOTIFY THE PERSON MAKING THE
8 REQUEST OF THE REASONS FOR THE REFUSAL AND SHALL ISSUE AN
9 INTERPRETIVE STATEMENT PROVIDING AN INFORMATIONAL RESPONSE TO THE
10 QUESTION PRESENTED WITHIN THE SAME TIME LIMITATION APPLICABLE TO A
11 DECLARATORY RULING. A DECLARATORY RULING OR INTERPRETIVE STATEMENT
12 ISSUED UNDER THIS SECTION SHALL NOT STATE A GENERAL RULE OF LAW,
13 OTHER THAN THAT WHICH IS STATED IN THIS ACT, UNTIL THE GENERAL RULE
14 OF LAW IS PROMULGATED BY THE SECRETARY OF STATE AS A RULE UNDER THE
15 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
16 24.328, OR UNDER JUDICIAL ORDER.

17 (2) UNDER EXTENUATING CIRCUMSTANCES, THE SECRETARY OF STATE
18 MAY ISSUE A NOTICE EXTENDING FOR NOT MORE THAN 30 BUSINESS DAYS THE
19 PERIOD DURING WHICH THE SECRETARY OF STATE SHALL RESPOND TO A
20 REQUEST FOR A DECLARATORY RULING. THE SECRETARY OF STATE SHALL NOT
21 ISSUE MORE THAN 1 NOTICE OF EXTENSION FOR A PARTICULAR REQUEST. A
22 PERSON REQUESTING A DECLARATORY RULING MAY WAIVE, IN WRITING, THE
23 TIME LIMITATIONS PROVIDED BY THIS SECTION.

24 (3) THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC
25 AN ANNUAL SUMMARY OF THE DECLARATORY RULINGS AND INTERPRETIVE
26 STATEMENTS ISSUED UNDER THIS ACT BY THE SECRETARY OF STATE.

<<Enacting section 1. This amendatory act takes effect September 1,
2008.>>

27 Enacting section <<2>>. This amendatory act does not take effect

1 unless House Bill No. 4001 of the 94th Legislature is enacted into
2 law.