

HOUSE BILL No. 6336

July 21, 2010, Introduced by Reps. Stanley, Durhal, Geiss, Slezak and Kandrevas and referred to the Committee on Regulatory Reform.

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,
2 sponsorship, support, opposition, consideration, debate, vote,
3 passage, defeat, approval, veto, delay, or an official action by an
4 official in the executive branch or an official in the legislative
5 branch on a bill, resolution, amendment, nomination, appointment,
6 report, or any matter pending or proposed in a legislative
7 committee or either house of the legislature. Legislative action
8 does not include the representation of a person who has been

1 subpoenaed to appear before the legislature or an agency of the
2 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
6 influencing 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)~~ **UNLESS THE PERSON**
9 **PROVIDING THE INFORMATION IS A LOBBYIST AGENT** or an employee of a
10 ~~person as defined in subsection (5)~~ when **LOBBYIST AGENT** appearing
11 before an officially convened legislative committee or executive
12 department hearing panel. As used in this subsection, "technical
13 information" means empirically verifiable data provided by a person
14 recognized as an expert in the subject area to which the
15 information provided is related.

16 (3) "Influencing" means promoting, supporting, affecting,
17 modifying, opposing or delaying by any means, including the
18 ~~providing of~~ **PROVISION** or use of information, statistics, studies,
19 or analysis.

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

21 (a) ~~A~~ **SUBJECT TO SUBSECTION (12)**, A person whose expenditures
22 for lobbying are more than \$1,000.00 in value in any 12-month
23 period.

24 (b) ~~A~~ **SUBJECT TO SUBSECTION (12)**, A person whose expenditures
25 for lobbying are more than \$250.00 in value in any 12-month period,
26 if the amount is expended on lobbying a single public official.

27 ~~(c) For the purpose of subdivisions (a) and (b), groups of 25~~

1 ~~or more people shall not have their personal expenditures for food,~~
 2 ~~travel, and beverage included, providing those expenditures are not~~
 3 ~~reimbursed by a lobbyist or lobbyist agent.~~

4 (C) ~~(d)~~The state or a political subdivision ~~which~~**THAT**
 5 contracts for a lobbyist agent.

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

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

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

12 (b) For purposes of section 8(1)(b)(i) and 9(1)(b), a member
 13 of the lobbyist or employee of a member of the lobbyist, ~~when~~**IF**
 14 the lobbyist is a membership organization or association, and ~~when~~
 15 **IF** the lobbyist agent or an employee of the lobbyist or lobbyist
 16 agent is present during any part of the period during which the
 17 purchased food or beverage is consumed.

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

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

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

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

1 for the office.

2 ~~—— (c) For the purposes of this act, HOWEVER, AN ELECTED OR~~
 3 **APPOINTED PUBLIC OFFICIAL UNDER THIS** subdivision ~~(b) shall DOES~~ not
 4 include **ANY OF THE FOLLOWING:**

5 (i) ~~Employees~~ **AN EMPLOYEE** of **A** public or private colleges
 6 **COLLEGE**, community colleges ~~COLLEGE~~, junior colleges ~~COLLEGE~~, or
 7 ~~universities~~ **UNIVERSITY**.

8 (ii) ~~Employees~~ **AN EMPLOYEE** of townships, villages, cities,
 9 counties or school boards **A TOWNSHIP, VILLAGE, CITY, COUNTY, OR**
 10 **SCHOOL BOARD**.

11 (iii) ~~Employees~~ **AN EMPLOYEE** of **A** state executive departments
 12 **DEPARTMENT**.

13 (iv) ~~Employees~~ **AN EMPLOYEE** of the judicial branch of
 14 government.

15 (C) ~~(d)~~ A member of a lobbyist, if the lobbyist is a
 16 membership organization or association, and if the member of a
 17 lobbyist does not separately qualify as a lobbyist under subsection
 18 (4).

19 (8) "Mass mailing" means ~~not less than~~ 1,000 pieces **OR MORE** of
 20 substantially similar material mailed within a 7-day period.

21 (9) "Official in the executive branch" means the governor,
 22 lieutenant governor, secretary of state, **OR** attorney general; ~~or~~ an
 23 individual who is in the executive branch of state government and
 24 not under civil service; **OR** a classified director, chief deputy
 25 director, or deputy director of a state department. ~~This~~ **OFFICIAL**
 26 **IN THE EXECUTIVE BRANCH** includes an individual who is elected or
 27 appointed and has not yet taken, or an individual who is nominated

1 for appointment to, any of the offices or agencies enumerated in
2 this subsection. ~~An official~~ **OFFICIAL** in the executive branch does
3 not include a person serving in a clerical, nonpolicy-making, or
4 nonadministrative capacity. ~~In addition to all of the foregoing, an~~
5 ~~official~~ **OFFICIAL** in the executive branch **ALSO** includes all of the
6 following:

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

10 (b) In the department of agriculture, ~~the racing commissioner~~
11 ~~and a member of the agriculture commission~~ **OF AGRICULTURE**.

12 (c) In the department of civil rights, a member of the civil
13 rights commission.

14 ~~— (d) In the department of civil service, a member of the civil~~
15 ~~service commission.~~

16 ~~— (e) In the department of commerce, the commissioner of~~
17 ~~financial institutions, the executive director of the housing~~
18 ~~development authority, and a member of the liquor control~~
19 ~~commission, strategic fund board, state housing development~~
20 ~~authority, travel commission, or public service commission.~~

21 **(D) IN THE DEPARTMENT OF COMMUNITY HEALTH, THE DIRECTOR OF THE**
22 **OFFICE OF SERVICES TO THE AGING OR THE CHAIRPERSON OF THE CRIME**
23 **VICTIMS SERVICES COMMISSION.**

24 **(E)** ~~(f)~~ In the department of education, a member of the state
25 board of education, ~~higher education facilities commission, higher~~
26 ~~education facilities authority, higher education assistance~~
27 ~~authority, higher education student loan authority, or state tenure~~

1 commission.

2 (F) ~~(g)~~—In the department of **ENERGY**, labor, **AND ECONOMIC**
 3 **GROWTH**, the director of ~~the bureau of workers' disability~~
 4 ~~compensation, the director of the employment security commission~~
 5 **UNEMPLOYMENT INSURANCE, THE COMMISSIONER OF FINANCIAL AND INSURANCE**
 6 **REGULATION**, and a member of the construction code commission,
 7 employment relations commission, employment security board of
 8 review, ~~employment security commission, or wage deviation board~~
 9 **LIQUOR CONTROL COMMISSION, TRAVEL COMMISSION, PUBLIC SERVICE**
 10 **COMMISSION, MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS, UTILITY**
 11 **CONSUMER PARTICIPATION BOARD, OR OCCUPATIONAL HEALTH STANDARDS**
 12 **COMMISSION.**

13 ~~—— (h) In the department of licensing and regulation, the state~~
 14 ~~insurance commissioner.~~

15 ~~—— (i) In the department of management and budget, the lottery~~
 16 ~~commissioner, the director of the office of services to the aging,~~
 17 ~~the director of the office of state employer, the chairperson of~~
 18 ~~the crime victims compensation board, and a member of the council~~
 19 ~~for the arts, state administrative board, state building authority,~~
 20 ~~toxic substance control commission, or utility consumer~~
 21 ~~participation board.~~

22 (G) ~~(j)~~—In the department of natural resources **AND**
 23 **ENVIRONMENT**, ~~the supervisor of wells and a member of the air~~
 24 ~~pollution control commission, natural resources commission, or~~
 25 ~~water resources commission.~~

26 ~~—— (k) In the department of public health, a member of the~~
 27 ~~occupational health standards commission.~~

1 (H) ~~(H)~~—In the **STATE TRANSPORTATION** department, ~~of~~
 2 ~~transportation,~~ a member of the aeronautics commission and a state
 3 transportation commissioner.

4 (I) **IN THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET,**
 5 **THE DIRECTOR OF THE OFFICE OF STATE EMPLOYER AND A MEMBER OF THE**
 6 **STATE ADMINISTRATIVE BOARD, STATE BUILDING AUTHORITY, OR CIVIL**
 7 **SERVICE COMMISSION.**

8 (J) ~~(m)~~—In the department of treasury, **THE CHIEF EXECUTIVE**
 9 **OFFICER OF THE MICHIGAN EDUCATIONAL LOTTERY CORPORATION, THE**
 10 **EXECUTIVE DIRECTOR OF THE MICHIGAN STATE HOUSING DEVELOPMENT**
 11 **AUTHORITY, AND** a member of the ~~hospital finance authority,~~
 12 investment advisory committee, **MICHIGAN STRATEGIC FUND,** or state
 13 tax commission.

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
 17 legislative retirement system, or any other employee of the
 18 legislature other than an individual employed by ~~the~~ **THIS** state in
 19 a clerical or nonpolicy-making capacity.

20 (11) "Governmental body" means any state legislative or
 21 governing body, including a board, commission, committee,
 22 subcommittee, authority, or council, ~~which~~ **THAT** is empowered by
 23 state constitution, statute, or rule to exercise governmental or
 24 proprietary authority or perform a governmental or proprietary
 25 function, or a lessee ~~thereof~~ **OF AN ENTITY DESCRIBED IN THIS**
 26 **SUBSECTION** performing an essential public purpose and function
 27 under the lease agreement.

1 (12) EXPENDITURES FOR LOBBYING UNDER SUBSECTION (4) (A) AND (B)
2 DO NOT INCLUDE PERSONAL EXPENDITURES FOR FOOD, TRAVEL, AND BEVERAGE
3 FOR A GROUP OF 25 OR MORE PEOPLE IF THE EXPENDITURES ARE NOT
4 REIMBURSED BY A LOBBYIST OR LOBBYIST AGENT.

5 Enacting section 1. This amendatory act takes effect October
6 1, 2010.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 6341(request no.
9 07160'10) of the 95th Legislature is enacted into law.