

SENATE BILL No. 1248

November 29, 2018, Introduced by Senator ROBERTSON and referred to the Committee on Elections and Government 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 sections 2 and 4 (MCL 4.412 and 4.414), section 4 as amended by 2008 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. (1) "Administrative action" means the proposal,
- 2 drafting, development, consideration, amendment, enactment, or
- 3 defeat of a nonministerial action or rule by an executive agency or
- 4 an official in the executive branch of state government.
- 5 Administrative action does not include a quasi-judicial

determination as authorized by law.

(2) "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity, or entity which is organized for profit or nonprofit purposes.

(3) "Business with which the individual is associated" means a business in which any of the following applies:

(a) The individual is a partner, director, officer, or employer.

(b) A member of the individual's immediate family is a partner, director, officer, or employer.

(c) The individual or a member of the individual's immediate family is a stockholder of close corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest. This subdivision does not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.

(4) "COMMISSION" MEANS THE FAIR POLITICAL PRACTICES COMMISSION CREATED IN SECTION 15A OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.215A.

(5) ~~(4)~~—"Compensation" means anything of monetary value received or to be received from a person, whether in the form of a fee, salary, forbearance, forgiveness, or another form of recompense.

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
9 legal action not directly related to the governmental duties of the
10 official. Gift does not include the following:

11 (a) A campaign contribution otherwise reported as required by
12 the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
13 169.282.

14 (b) A loan made in the normal course of business by an
15 institution as defined in chapter 1 of the banking code of 1999,
16 1999 PA 276, MCL 487.11101 to 487.11203, a national bank, a branch
17 bank, an insurance company issuing a loan or receiving a mortgage
18 in the normal course of business, a premium finance company, a
19 mortgage company, a small loan company, a state or federal credit
20 union, a savings and loan association chartered by this state or
21 the federal government, or a licensee as defined by the motor
22 vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to
23 492.141.

24 (c) A gift received from a member of the ~~person's~~ **INDIVIDUAL'S**
25 immediate family, a relative of a spouse, a relative within the
26 seventh degree of consanguinity as computed by the civil law
27 method, or from the spouse of the relative.

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

(e) A contribution to a legal defense fund that is registered with the ~~secretary of state~~ **COMMISSION** under the legal defense fund act, **2008 PA 288, MCL 15.521 TO 15.539**, and whose purpose is to defend an elected official against any criminal, civil, or administrative action, that arises directly out of the conduct of the elected official's governmental duties.

(2) "Immediate family" means ~~a~~ **ANY OF THE FOLLOWING:**

(A) A child residing in an individual's household. ~~—a~~

(B) A spouse of an individual. ~~—or an~~

(C) AN individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1250

of the 99th Legislature is enacted into law.