

HOUSE BILL NO. 5581

March 14, 2024, Introduced by Reps. Wilson, Rheingans, Coffia, Dievendorf, Morgan, Arbit, Brenda Carter, Hope, Hood, Wegela, Brixie, Paiz, MacDonell, Conlin, McKinney, Brabec, Byrnes, Tsernoglou, Young, Mentzer, Churches, Koleszar, Price and Aiyash and referred to the Committee on Ethics and Oversight.

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) **"Governmental body" means a state legislative or**
2 **governing body, including a board, commission, committee,**
3 **subcommittee, authority, or council, that may, under a state**

1 constitution, statute, or rule, exercise governmental or
2 proprietary authority or perform a governmental or proprietary
3 function, or a lessee of the body that performs an essential public
4 purpose and function under the lease agreement.

5 (2) "Influencing" means promoting, supporting, affecting,
6 modifying, opposing, or delaying by any means, including the
7 providing of or use of information, statistics, studies, or
8 analysis.

9 (3) "Legislative action" means introduction, sponsorship,
10 support, opposition, consideration, debate, vote, passage, defeat,
11 approval, veto, delay, or an official action by an official in the
12 executive branch or an official in the legislative branch on a
13 bill, resolution, amendment, nomination, appointment, report, or
14 any matter pending or proposed in a legislative committee or either
15 house of the legislature. Legislative action does not include the
16 representation of a person who has been subpoenaed to appear before
17 the legislature or an agency of the legislature.

18 (4) ~~(2)~~ "Lobbying" means communicating directly with an
19 official in the executive branch of state government or an official
20 in the legislative branch of state government for the purpose of
21 influencing legislative or administrative action. Lobbying does not
22 include the providing of technical information by a person other
23 than a ~~person as defined in subsection (5)~~ **lobbyist agent** or an
24 employee of a ~~person as defined in subsection (5)~~ **lobbyist agent**
25 when appearing before an officially convened legislative committee
26 or executive department hearing panel. As used in this subsection,
27 "technical information" means empirically verifiable data provided
28 by a person recognized as an expert in the subject area to which
29 the information provided is related.

1 ~~(3) "Influencing" means promoting, supporting, affecting,~~
2 ~~modifying, opposing or delaying by any means, including the~~
3 ~~providing of or use of information, statistics, studies, or~~
4 ~~analysis.~~

5 (5) ~~(4)~~ "Lobbyist" means any of the following:

6 (a) A person whose expenditures for lobbying are more than
7 \$1,000.00 in value in any 12-month period.

8 (b) A person whose expenditures for lobbying are more than
9 \$250.00 in value in any 12-month period, if the amount is expended
10 on lobbying a single public official.

11 (c) For the purpose of subdivisions (a) and (b), groups of 25
12 or more people shall not have their personal expenditures for food,
13 travel, and beverage included, ~~providing if~~ those expenditures are
14 not reimbursed by a lobbyist or lobbyist agent.

15 (d) The state or a political subdivision ~~which~~ **that** contracts
16 for a lobbyist agent.

17 (6) ~~(5)~~ "Lobbyist agent" means a person ~~who~~ **that** receives
18 compensation or reimbursement of actual expenses, or both, in a
19 combined amount in excess of \$250.00 in any 12-month period for
20 lobbying.

21 ~~(6) "Representative of the lobbyist" means any of the~~
22 ~~following:~~

23 ~~(a) An employee of the lobbyist or lobbyist agent.~~

24 ~~(b) For purposes of section 8(1)(b)(i) and 9(1)(b), a member~~
25 ~~of the lobbyist or employee of a member of the lobbyist, when the~~
26 ~~lobbyist is a membership organization or association, and when the~~
27 ~~lobbyist agent or an employee of the lobbyist or lobbyist agent is~~
28 ~~present during any part of the period during which the purchased~~
29 ~~food or beverage is consumed.~~

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

4 (7) Lobbyist or lobbyist agent does not include **any of the**
5 **following:**

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

9 (b) All elected or appointed public officials of state or
10 local government who are acting in the course or scope of the
11 office for no compensation, other than that provided by law for the
12 office, **-not including any of the following:**

13 ~~(c) For the purposes of this act, subdivision (b) shall not~~
14 ~~include:~~

15 (i) Employees of public or private colleges, community
16 colleges, junior colleges or universities.

17 (ii) Employees of townships, villages, cities, counties or
18 school boards.

19 (iii) Employees of state executive departments.

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

21 **(c)** ~~(d)~~A member of a lobbyist, if the lobbyist is a
22 membership organization or association, and if the member of ~~a~~**the**
23 lobbyist does not separately qualify as a lobbyist under subsection
24 ~~(4)~~**(5)**.

25 (8) "Mass mailing" means not less than 1,000 pieces of
26 substantially similar material mailed within a 7-day period.

27 (9) "Official in the executive branch" means the governor,
28 lieutenant governor, secretary of state, attorney general; or an
29 individual who is in the executive branch of state government and

1 not under civil service; a classified director, chief deputy
 2 director, or deputy director of a state department. ~~This Official~~
 3 **in the executive branch** includes an individual who is elected or
 4 appointed and has not yet taken, or an individual who is nominated
 5 for appointment to, any of the offices or agencies enumerated in
 6 this subsection. ~~An official Official~~ in the executive branch does
 7 not include ~~a person~~ **an individual** serving in a clerical,
 8 ~~nonpolicy making,~~ **non-policy-making**, or nonadministrative capacity.
 9 ~~In addition to all of the foregoing,~~ ~~an official Official~~ in the
 10 executive branch includes, **but is not limited to**, all of the
 11 following:

12 (a) In the executive office of the governor, the chief and
 13 deputy chief of staff, press secretary, director of job training,
 14 and director of personnel.

15 (b) In the department of agriculture **and rural development**,
 16 the racing commissioner and a member of the **commission on**
 17 ~~agriculture commission~~ **and rural development**.

18 (c) ~~In the department of civil rights,~~ ~~a~~ **A** member of the civil
 19 rights commission.

20 (d) In the department of civil service, a member of the civil
 21 service commission.

22 (e) In the department of ~~commerce,~~ ~~the commissioner of~~
 23 ~~financial institutions,~~ **labor and economic opportunity**, the
 24 executive director of the **state** housing development authority, **the**
 25 **director of the unemployment insurance agency, the director of the**
 26 **Michigan occupational safety and health administration, the**
 27 **director of the workers' disability compensation agency**, and a
 28 member of the ~~liquor control commission,~~ strategic fund board,
 29 **employment security board of review, employment security**

1 **commission**, state housing development authority, travel commission,
2 or ~~public service commission.~~**wage deviation board.**

3 (f) In the department of education, a member of the state
4 board of education, ~~higher education facilities commission, higher~~
5 ~~education facilities authority, higher education assistance~~
6 ~~authority, higher education student loan authority,~~ or state tenure
7 commission.

8 (g) In the department of labor, ~~the director of the bureau of~~
9 ~~workers' disability compensation, the director of the employment~~
10 ~~security commission,~~**licensing and regulatory affairs, the utility**
11 **consumer participation board** and a member of the construction code
12 commission, ~~employment relations commission, employment security~~
13 ~~board of review, employment security commission, or wage deviation~~
14 ~~board.~~**public service commission, or liquor control commission.**

15 (h) ~~In~~**The director of** the department of ~~licensing and~~
16 ~~regulation, the state insurance commissioner.~~**and financial**
17 **services.**

18 (i) In the department of **technology**, management and budget,
19 the lottery commissioner, the director of the office of services to
20 the aging, the director of the office of state employer, ~~the~~
21 ~~chairperson of the crime victims compensation board, and~~ **or** a
22 member of the ~~council for the arts,~~ state administrative board. ~~7~~
23 ~~state building authority, toxic substance control commission, or~~
24 ~~utility consumer participation board.~~

25 (j) In the department of ~~natural resources,~~ the supervisor of
26 wells and a member of the ~~air pollution control commission, natural~~
27 ~~resources commission, or water resources commission.~~**environment,**
28 **Great Lakes, and energy, the director of the department.**

29 (k) ~~In the department of public health, a member of the~~

1 ~~occupational health standards commission.~~

2 (k) ~~(l)~~—In the department of transportation, a member of the
3 aeronautics commission and a state transportation commissioner.

4 (l) ~~(m)~~—In the department of treasury, a member of the hospital
5 finance authority, investment advisory committee, ~~or~~ state tax
6 commission, **state building authority, higher education facilities**
7 **commission, higher education facilities authority, higher education**
8 **assistance authority, or higher education student loan authority.**

9 (m) In the department of health and human services, the
10 director of the department of health and human services and the
11 chairperson of the crime victims services commission.

12 (n) In the department of natural resources, the director of
13 the department of natural resources, a member of the natural
14 resources commission, and the toxic substance control commission.

15 (o) A member of the Michigan arts and culture council.

16 (p) The director of the Michigan department of lifelong
17 education, advancement, and potential.

18 (q) A member of the Michigan independent citizens
19 redistricting commission.

20 (10) "Official in the legislative branch" means a member of
21 the legislature, the auditor general, the deputy auditor general,
22 an employee of the ~~consumer's~~ **consumers** council, the director of
23 the legislative retirement system, **a legislative staff**, or any
24 other employee of the legislature other than an individual employed
25 by ~~the~~ **this** state in a clerical or ~~nonpolicy-making~~ **non-policy-**
26 **making** capacity.

27 ~~(11) "Governmental body" means any state legislative or~~
28 ~~governing body, including a board, commission, committee,~~
29 ~~subcommittee, authority, or council, which is empowered by state~~

1 ~~constitution, statute, or rule to exercise governmental or~~
2 ~~proprietary authority or perform a governmental or proprietary~~
3 ~~function, or a lessee thereof performing an essential public~~
4 ~~purpose and function under the lease agreement.~~

5 (11) "Representative of the lobbyist" means any of the
6 following:

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

8 (b) For purposes of sections 8(1)(b)(i) and 9(1)(b), a member
9 of the lobbyist or employee of a member of the lobbyist, when the
10 lobbyist is a membership organization or association, and when the
11 lobbyist agent or an employee of the lobbyist or lobbyist agent is
12 present during any part of the period during which the purchased
13 food or beverage is consumed.

14 (c) A person that is reimbursed by the lobbyist or lobbyist
15 agent for an expenditure, other than an expenditure for food or
16 beverage, which was incurred for the purpose of lobbying.