

LOBBYISTS, LOBBYING AGENTS, AND LOBBYING ACTIVITIES (EXCERPT)
Act 472 of 1978

4.418 Signed report; filing; form; extension; filing amended report; contents of report; reporting expenditures for food and beverage; failure to report; late filing fee; penalty; reporting activities of employee lobbyist agent; report to elected public official; preservation and destruction of statements and reports.

Sec. 8. (1) A lobbyist or a lobbyist agent shall file a signed report in a form prescribed by the secretary of state under this section. A report shall be filed on January 31 covering the calendar year ending on the immediately preceding December 31, and on August 31 covering the immediately preceding December 31 to July 31. A report shall be filed by a lobbyist or for the lobbyist by the lobbyist agent who acts on behalf of the lobbyist, and the lobbyist agent who acts on his or her own behalf. A lobbyist or a lobbyist agent may request from the secretary of state an extension of the deadline for filing the report for a period not to exceed 60 days. The secretary of state shall respond in writing to the request, either approving or disapproving the request, and if approval is granted, the period of the extension, not later than 9 days after receipt of the request. A lobbyist or lobbyist agent may file an amended report within 1 year after the date the report is required to be filed, including an extension period. The report shall be on a prescribed form and shall include the following information:

(a) A statement updating to the end of the reporting period the information required to be filed under section 7.

(b) An account of expenditures made by a lobbyist, lobbyist agent, or representative of a lobbyist. The expenditures shall be reported by category, with the report showing the total amount expended in each category during the preceding reporting period and the cumulative amount expended in each category for the current year from January 1 through the month covered by the report. Expenditures shall be reported in the following categories:

(i) Expenditures for food and beverage provided for public officials as specified in subsection (2).

(ii) Advertising and mass mailing expenses directly related to lobbying.

(iii) Other expenditures for lobbying made or incurred by a lobbyist, a lobbyist agent, or an employee of a lobbyist or lobbyist agent, other than expenditures for lobbying made or incurred by a lobbyist, a lobbyist agent, or an employee of a lobbyist or a lobbyist agent of less than \$5.00 made for goods or services for which a receipt or proof of purchase is not normally available.

(c) An account of every financial transaction during the immediately preceding reporting period between the lobbyist or lobbyist agent, or a person acting on behalf of the lobbyist or lobbyist agent, and a public official or a member of the public official's immediate family, or a business with which the individual is associated, in which goods and services having value of at least \$775.00, or travel and lodging expenses paid for or reimbursed to a public official in connection with public business by that public official in excess of \$500.00, are involved. The account shall include the date and nature of the transaction, the parties to the transaction, and the amount involved in the transaction. This subdivision does not apply to the following:

(i) A financial transaction in the ordinary course of the business of the lobbyist, if the primary business of the lobbyist is other than lobbying, and if consideration of equal or greater value is received by the lobbyist.

(ii) A financial transaction undertaken in the ordinary course of the lobbyist's business, in which fair market value is given or received for a benefit conferred.

(d) A brief description of the lobbying activities engaged in during the previous reporting period.

(e) In the case of travel and lodging expenses described in subdivision (c), the lobbyist or lobbyist agent shall prepare a separate document detailing the expenditure required to be reported. The lobbyist or lobbyist agent shall send, simultaneously with the filing of the report to the secretary of state, a copy of the document to the affected legislator.

(2) Expenditures for food and beverage provided a public official shall be reported if the expenditures for that public official exceed \$25.00 in any month covered by the report or \$150.00 during that calendar year from January 1 through the month covered by the report. The report shall include the name and title or office of the public official and the expenditures on that public official for the months covered by the report and for the year. If more than 1 public official is provided food and beverage and a single check is rendered, the report may reflect the average amount of the check for each public official. If the expenditures are a result of an event at which more than 25 public officials were in attendance, are a result of an event to which an entire standing committee of the legislature was invited in writing to be informed concerning a bill that was assigned to that standing committee, or are a result of an event to which an entire caucus of either house of the legislature was invited in writing, a lobbyist or a lobbyist agent shall report the total amount expended on the public officials in attendance for food and beverage and is not required to report the amount expended on the

public officials individually. In reporting those amounts, the lobbyist or lobbyist agent shall file a statement providing a description by category of the persons in attendance and the nature of each event or function held during the preceding reporting period.

(3) A person who, without good cause, fails to report under subsection (1) shall pay a late filing fee of \$10.00 for each day the report remains not filed in violation of subsection (1), not to exceed \$300.00. A person who without good cause is in violation of subsection (1) more than 30 days is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00.

(4) If a lobbyist agent employs another lobbyist agent to engage in lobbying, the activities of the employee lobbyist agent shall be reported by the employer lobbyist agent under this section.

(5) Within a reasonable time after receipt of a request from an elected public official in regard to a report of a lobbyist or a lobbyist agent, the secretary of state shall report to the elected public official on any reported activity by the lobbyist or lobbyist agent in that report, and shall notify the elected public official of the specific occurrence and the specific nature of the reported activity.

(6) The secretary of state shall preserve statements and reports filed under this act for 5 years after filing. The statements and reports may be reproduced pursuant to the records media act. After the required preservation period, the statements and reports, or the reproductions of the statements and reports, other than those necessary to complete an investigation by the attorney general or pertinent to a matter being adjudicated in a court of law, shall be destroyed.

History: 1978, Act 472, Eff. June 16, 1981;—Am. 1986, Act 83, Imd. Eff. Apr. 15, 1986;—Am. 1992, Act 189, Imd. Eff. Oct. 5, 1992;—Am. 1994, Act 412, Eff. Jan. 1, 1995.

Popular name: Lobby Act