

# HOUSE BILL No. 4248

February 9, 2005, Introduced by Rep. Hummel and referred to the Committee on House Oversight, Elections, and Ethics.

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

1 committee or either house of the legislature. Legislative action  
2 does not include the representation of a person who has been  
3 subpoenaed to appear before the legislature or an agency of the  
4 legislature.

5 (2) "Lobbying" means communicating directly with an official  
6 in the executive branch of state government or an official in the  
7 legislative branch of state government for the purpose of  
8 influencing legislative or administrative action. Lobbying does not  
9 include the providing of technical information by a person other  
10 than a person as defined in subsection (5) or an employee of a  
11 person as defined in subsection (5) when appearing before an  
12 officially convened legislative committee or executive department  
13 hearing panel. As used in this subsection, "technical information"  
14 means empirically verifiable data provided by a person recognized  
15 as an expert in the subject area to which the information provided  
16 is related.

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

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

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

24 (b) A person whose expenditures for lobbying are more than  
25 \$250.00 in value in any 12-month period, if the amount is expended  
26 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 (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 \$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~~ **SECTIONS** 8(1)(b)(i) and 9(1)(b),  
13 a member of the lobbyist or employee of a member of the lobbyist,  
14 ~~when~~ **IF** the lobbyist is a membership organization or association,  
15 and ~~when~~ **IF** the lobbyist agent or an employee of the lobbyist or  
16 lobbyist agent is present during any part of the period during  
17 which the 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**  
26 of state or local government who ~~are~~ **IS** acting in the course or  
27 scope of the office for no compensation, other than that provided

1 by law for the office.

2 (c) For the purposes of this act, subdivision (b) ~~shall~~ **DOES**  
3 not include:

4 (i) Employees of public or private colleges, community  
5 colleges, junior colleges or universities.

6 (ii) Employees of townships, villages, cities, counties or  
7 school boards.

8 (iii) Employees of state executive departments.

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

10 (d) A member of a lobbyist, if the lobbyist is a membership  
11 organization or association, and if the member of a lobbyist does  
12 not separately qualify as a lobbyist under subsection (4).

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

15 (9) "Official in the executive branch" means the governor,  
16 lieutenant governor, secretary of state, attorney general; ~~or~~ an  
17 individual who is in the executive branch of state government and  
18 not under civil service; **OR** a classified director, chief deputy  
19 director, or deputy director of a state department. This includes  
20 an individual who is elected or appointed and has not yet taken, or  
21 an individual who is nominated for appointment to, any of the  
22 offices or agencies enumerated in this subsection. An official in  
23 the executive branch does not include a person serving in a  
24 clerical, nonpolicy-making, or nonadministrative capacity **BUT DOES**  
25 **INCLUDE ANY AT-WILL EMPLOYEE**. In addition to all of the foregoing,  
26 an official in the executive branch includes all of the following:

27 (a) In the executive office of the governor, the chief and **ANY**

1 deputy chief ~~of staff~~ **OPERATING OFFICER**, press secretary,  
2 director of ~~job training~~ **COMMUNICATIONS**, and director of ~~personnel~~  
3 **OPERATIONS**.

4 (b) In the department of agriculture, the racing commissioner  
5 and a member of the **MICHIGAN COMMISSION OF** agriculture.  
6 ~~commission~~.

7 (c) In the department of civil rights, a member of the civil  
8 rights commission.

9 (d) In the department of civil service, a member of the civil  
10 service commission.

11 (e) In the department of ~~commerce~~ **LABOR AND ECONOMIC GROWTH**,  
12 the commissioner of financial ~~institutions~~ **AND INSURANCE**  
13 **SERVICES**, the executive director of the housing development  
14 authority, and a member of the liquor control commission, strategic  
15 fund board, state housing development authority, travel commission,  
16 **UTILITY CONSUMER PARTICIPATION BOARD, MICHIGAN OCCUPATIONAL SAFETY**  
17 **AND HEALTH COMMISSION**, or public service commission.

18 (f) In the department of education, a member of the state  
19 board of education ~~, higher education facilities commission,~~  
20 ~~higher education facilities authority, higher education assistance~~  
21 ~~authority, higher education student loan authority,~~ or state  
22 tenure commission.

23 (g) In the department of labor **AND ECONOMIC GROWTH**, the  
24 director of the bureau of workers' ~~disability~~ compensation  
25 **AGENCY**, the director of the employment security commission, and a  
26 member of the construction code commission, employment relations  
27 commission, employment security board of review, employment

1 security commission, or wage deviation board.

2 (h) In the department of ~~licensing and regulation, the state~~  
 3 ~~insurance commissioner~~ **COMMUNITY HEALTH, THE DIRECTOR OF THE**  
 4 **OFFICE OF SERVICES TO THE AGING AND THE CHAIRPERSON OF THE CRIME**  
 5 **VICTIM SERVICES COMMISSION.**

6 (i) In the department of management and budget, ~~the lottery~~  
 7 ~~commissioner, the director of the office of services to the aging,~~  
 8 the director of the office of state employer, ~~the chairperson of~~  
 9 ~~the crime victims compensation board,~~ and a member of the ~~council~~  
 10 ~~for the arts,~~ state administrative board, state building  
 11 authority, ~~, toxic substance control commission, or utility~~  
 12 ~~consumer participation board.~~

13 (j) In the department of natural resources **OR DEPARTMENT OF**  
 14 **ENVIRONMENTAL QUALITY**, the supervisor of wells and a member of the  
 15 air pollution control commission, **OR** natural resources commission.  
 16 ~~, or water resources commission.~~

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

19 **(K) (+)** In the department of transportation, a member of the  
 20 aeronautics commission and a state transportation commissioner.

21 **(l) (+)** In the department of treasury, **THE LOTTERY**  
 22 **COMMISSIONER**, a member of the hospital finance authority,  
 23 investment advisory committee, ~~or~~ state tax commission, **HIGHER**  
 24 **EDUCATION FACILITIES COMMISSION, HIGHER EDUCATION FACILITIES**  
 25 **AUTHORITY, HIGHER EDUCATION ASSISTANCE AUTHORITY, OR HIGHER**  
 26 **EDUCATION STUDENT LOAN AUTHORITY.**

27 **(N) IN THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES, A**

1 **MEMBER OF THE COUNCIL FOR THE ARTS.**

2 (10) "Official in the legislative branch" means a member of  
3 the legislature **OR AN AT-WILL EMPLOYEE ON THE MEMBER'S STAFF**, the  
4 auditor general, the deputy auditor general, an employee of the  
5 consumer's council, the director of the legislative retirement  
6 system, or any other employee of the legislature other than an  
7 individual employed by the state in a clerical or nonpolicy-making  
8 capacity.

9 (11) "Governmental body" means any state legislative or  
10 governing body, including a board, commission, committee,  
11 subcommittee, authority, or council, ~~which~~ **THAT** is empowered by  
12 state constitution, statute, or rule to exercise governmental or  
13 proprietary authority or perform a governmental or proprietary  
14 function, or a lessee thereof performing an essential public  
15 purpose and function under the lease agreement.