

HOUSE BILL No. 5664

June 11, 2014, Introduced by Rep. Dillon and referred to the Committee on Government Operations.

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 OR report ~~—~~or any **OTHER** matter pending or proposed in a
7 legislative committee or either house of the legislature.

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

4 (2) "Lobbying" means communicating directly with an official
5 in the executive branch of state government or an official in the
6 legislative branch of state government for the purpose of
7 influencing legislative or administrative action. Lobbying does not
8 include ~~the providing of technical information by a person other~~
9 ~~than a person as defined in subsection (5) or an employee of a~~
10 ~~person as defined in subsection (5)~~ when appearing before an
11 officially convened legislative committee or executive department
12 hearing panel **UNLESS THE INDIVIDUAL WHO IS PROVIDING THE**
13 **INFORMATION IS A LOBBYIST AGENT.** As used in this subsection,
14 "technical information" means empirically verifiable data provided
15 by ~~a person~~ **AN INDIVIDUAL WHO IS** recognized as an expert in the
16 subject area to which the information provided 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** contracts
5 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 8(1)(b)(i) and 9(1)(b), a member of
13 the lobbyist or employee of a member of the lobbyist, ~~when~~**IF** the
14 lobbyist is a membership organization or association, and ~~when~~**IF**
15 the lobbyist agent or an employee of the lobbyist or lobbyist agent
16 is present during any part of the period during which the purchased
17 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 elected or appointed public officials of state or
26 local government who are acting in the course or scope of the
27 office for no compensation, other than that provided by law for the

1 office. **HOWEVER, THIS SUBDIVISION DOES NOT APPLY TO ANY OF THE**
2 **FOLLOWING:**

3 ~~—— (c) For the purposes of this act, subdivision (b) shall not~~
4 ~~include:~~

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

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

9 (iii) Employees of state executive departments.

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

11 (C) ~~(d)~~—A member of a lobbyist, if the lobbyist is a
12 membership organization or association, and if the member of a
13 lobbyist does not separately qualify as a lobbyist under subsection
14 (4).

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

17 (9) "Official in the executive branch" means the governor,
18 lieutenant governor, secretary of state, **OR** attorney general; ~~or~~ an
19 individual who is in the executive branch of state government and
20 not under civil service; **AN INDIVIDUAL WHO IS** a classified
21 director, chief deputy director, or deputy director of a state
22 department; ~~This includes~~ **OR** an individual who is elected or
23 appointed and has not yet taken, or an individual who is nominated
24 for appointment to, any of ~~the~~ **THOSE** offices or agencies.
25 ~~enumerated in this subsection. An official in the executive branch~~
26 **THE TERM** does not include a ~~person serving~~ **AN INDIVIDUAL WHO SERVES**
27 in a clerical, nonpolicy-making, or nonadministrative capacity. ~~In~~

1 ~~addition to all of the foregoing, an official in the executive~~
2 ~~branch~~ **THE TERM ALSO** includes all **ANY** of the following:

3 (a) In the executive office of the governor, the chief and
4 deputy chief of staff, press secretary, director of job training,
5 and director of personnel.

6 (b) In the department of agriculture **AND RURAL DEVELOPMENT**,
7 ~~the racing commissioner and~~ a member of the agriculture **AND RURAL**
8 **DEVELOPMENT** commission.

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

11 (d) In the department of civil service, a member of the civil
12 service commission.

13 (e) In the department of ~~commerce, the commissioner of~~
14 ~~financial institutions,~~ **LICENSING AND REGULATORY AFFAIRS**, the
15 executive director of the housing development authority, ~~and a~~ **OR**
16 **ANY** member of the liquor control commission, strategic fund board,
17 state housing development authority, ~~travel commission,~~ or public
18 service commission.

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

24 (g) In the department of labor, **LICENSING AND REGULATORY**
25 **AFFAIRS**, the director of the bureau of ~~workers' disability~~
26 ~~compensation,~~ **WORKERS' COMPENSATION AGENCY**, the director of the
27 ~~employment security commission,~~ **UNEMPLOYMENT INSURANCE AGENCY**, and

1 a member of the construction code commission, employment relations
 2 commission, employment security board of review, ~~employment~~
 3 ~~security commission, or wage deviation board.~~ **MICHIGAN EMPLOYMENT**
 4 **RELATIONS COMMISSION.**

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

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

15 **(I)** ~~(j)~~ In the department of natural resources, ~~the supervisor~~
 16 ~~of wells and a member of the air pollution control commission,~~
 17 natural resources commission. ~~, or water resources commission.~~

18 **(J) IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE SUPERVISOR**
 19 **OF WELLS OR A MEMBER OF THE AIR POLLUTION CONTROL COMMISSION OR**
 20 **WATER RESOURCES COMMISSION.**

21 (k) In the department of ~~public~~ **COMMUNITY** health, ~~a member of~~
 22 ~~the occupational health standards commission.~~ **THE DIRECTOR OF THE**
 23 **OFFICE OF SERVICES TO THE AGING.**

24 (l) In the **STATE TRANSPORTATION** department, ~~of transportation,~~
 25 a member of the aeronautics commission ~~and a~~ **OR THE** state
 26 transportation ~~commissioner.~~ **COMMISSION.**

27 (m) In the department of treasury, a member of the hospital

1 MICHIGAN finance authority, investment advisory committee, or state
2 tax commission.

3 (N) AN INDIVIDUAL WHO IS CONDUCTING BUSINESS UNDER THE
4 AUSPICES OF THE EXECUTIVE OFFICE OF THE GOVERNOR OR LIEUTENANT
5 GOVERNOR.

6 (10) "Official in the legislative branch" means a member of
7 the legislature, the auditor general, the deputy auditor general,
8 an employee of the consumer's council, the director of the
9 legislative retirement system, or any other employee of the
10 legislature other than an individual employed by the state in a
11 clerical or non-policy-making capacity.

12 (11) "Governmental body" means any state legislative or
13 governing body, including a board, commission, committee,
14 subcommittee, authority, or council, ~~which~~ **THAT** is empowered by
15 state constitution, statute, or rule to exercise governmental or
16 proprietary authority or perform a governmental or proprietary
17 function. ~~, or a lessee thereof~~ **THE TERM ALSO INCLUDES A LESSEE OF**
18 **A GOVERNMENTAL BODY THAT IS** performing an essential public purpose
19 and function under the lease agreement.