

HOUSE BILL NO. 5926

March 16, 2022, Introduced by Reps. Martin, Bollin and Steven Johnson and referred to the Committee on 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 sections 3, 4, 5, 6, 8, 9, and 12 (MCL 4.413, 4.414, 4.415, 4.416, 4.418, 4.419, and 4.422), section 4 as amended by 2008 PA 289, section 5 as amended by 1986 PA 83, and section 8 as amended by 1994 PA 412.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Department" means the department of state.

2 (2) "Expenditure" means an advance, compensation for labor,
3 honorarium, conveyance, deposit, distribution, transfer of funds,
4 loan, payment, pledge, or subscription of money or anything of
5 value including a contract, agreement, promise, or other
6 obligation, whether or not legally enforceable, to make an
7 expenditure. Expenditure does not include the payment of a
8 membership fee otherwise reported pursuant to section ~~§(1)(d)~~
9 **8(1)(f)(iv)** or the cost of travel to visit and return from visiting
10 a public official for the purpose of communicating with the public
11 official.

12 (3) "Financial transaction" means a loan, purchase, sale, or
13 other type of transfer or exchange of money, goods, other property,
14 or services for value.

15 Sec. 4. (1) "Gift" means a payment, advance, forbearance, or
16 the rendering or deposit of money, services, or anything of value,
17 the value of which exceeds \$25.00, as adjusted under section 19a,
18 in any 1-month period, unless consideration of equal or greater
19 value is received ~~therefor.~~ **for that reason.** Gift includes a
20 payment, advance, forbearance, or the rendering or deposit of
21 money, services, or anything of value to aid the defense of an
22 official in the legislative branch, ~~or~~ an official in the executive
23 branch, **or a partisan legislative employee** against a legal action
24 not directly related to the governmental duties of the official.
25 Gift does not include the following:

26 (a) A campaign contribution otherwise reported as required by
27 the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
28 169.282.

1 (b) A loan made in the normal course of business by an
2 institution as defined in chapter 1 of the banking code of 1999,
3 1999 PA 276, MCL 487.11101 to 487.11203, a national bank, a branch
4 bank, an insurance company issuing a loan or receiving a mortgage
5 in the normal course of business, a premium finance company, a
6 mortgage company, a small loan company, a state or federal credit
7 union, a savings and loan association chartered by this state or
8 the federal government, or a licensee as defined by the motor
9 vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to
10 492.141.

11 (c) A gift received from a member of the person's immediate
12 family, a relative of a spouse, a relative within the seventh
13 degree of consanguinity as computed by the civil law method, or
14 from the spouse of the relative.

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

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

23 (2) "Immediate family" means a child residing in an
24 individual's household, a spouse of an individual, or an individual
25 claimed by that individual or that individual's spouse as a
26 dependent for federal income tax purposes.

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

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

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

12 (3) ~~(1)~~—"Legislative action" means introduction, sponsorship,
 13 support, opposition, consideration, debate, vote, passage, defeat,
 14 approval, veto, delay, or an official action by an official in the
 15 executive branch, ~~or~~ an official in the legislative branch, **or a**
 16 **partisan legislative employee** on a bill, resolution, amendment,
 17 nomination, appointment, report, or any matter pending or proposed
 18 in a legislative committee or either house of the legislature.
 19 Legislative action does not include the representation of a person
 20 who has been subpoenaed to appear before the legislature or an
 21 agency of the legislature.

22 (4) ~~(2)~~—"Lobbying" means communicating directly with an
 23 official in the executive branch of state government, ~~or~~ an
 24 official in the legislative branch of state government, **or a**
 25 **partisan legislative employee** for the purpose of influencing
 26 legislative **action** or administrative action. Lobbying does not
 27 include the providing of technical information by a person other
 28 than a ~~person as defined in subsection (5)~~ **lobbyist agent** or an
 29 employee of a ~~person as defined in subsection (5)~~ **lobbyist agent**

1 when appearing before an officially convened legislative committee
 2 or executive department hearing panel. As used in this subsection,
 3 "technical information" means empirically verifiable data provided
 4 by a person recognized as an expert in the subject area to which
 5 the information provided is related.

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

10 (5) ~~(4)~~ "Lobbyist" means any of the following:

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

13 (b) A person whose expenditures for lobbying are more than
 14 \$250.00 in value in any 12-month period, if the amount is expended
 15 on lobbying a single public official.

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

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

22 (6) ~~(5)~~ "Lobbyist agent" means a person ~~who~~ **that** receives
 23 compensation or reimbursement of actual expenses, or both, in a
 24 combined amount in excess of \$250.00 in any 12-month period for
 25 lobbying.

26 ~~(6) "Representative of the lobbyist" means any of the~~
 27 ~~following:~~

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

29 ~~(b) For purposes of section 8(1)(b)(i) and 9(1)(b), a member~~

1 ~~of the lobbyist or employee of a member of the lobbyist, when the~~
 2 ~~lobbyist is a membership organization or association, and when the~~
 3 ~~lobbyist agent or an employee of the lobbyist or lobbyist agent is~~
 4 ~~present during any part of the period during which the purchased~~
 5 ~~food or beverage is consumed.~~

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

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

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

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

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

20 (i) Employees of public or private colleges, community
 21 colleges, junior colleges, or universities.

22 (ii) Employees of townships, villages, cities, counties, or
 23 school boards.

24 (iii) Employees of state executive departments.

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

26 (c) ~~(d)~~A member of a lobbyist ~~if~~ the lobbyist is a
 27 membership organization or association ~~and if~~ the member of ~~a~~**the**
 28 lobbyist does not separately qualify as a lobbyist under subsection
 29 ~~(4)~~**(5)**.

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

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

17 (a) In the executive office of the governor, the chief and
18 deputy chief of staff, press secretary, director of job training,
19 and director of personnel.

20 (b) In the department of agriculture **and rural development**,
21 the racing commissioner and a member of the agriculture **and rural**
22 **development** commission.

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

25 (d) ~~In the department of civil service, a~~ **A** member of the
26 civil service commission.

27 (e) In the department of ~~commerce, the commissioner of~~
28 ~~financial institutions,~~ **labor and economic opportunity**, the
29 executive director of the housing development authority, **the**

1 **director of the unemployment insurance agency**, and a member of the
 2 ~~liquor control commission~~, strategic fund board, **employment**
 3 **security board of review, employment security commission**, state
 4 housing development authority, **or** travel commission. ~~, or public~~
 5 ~~service commission.~~

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

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

18 (h) ~~In~~ **The director of** the department of ~~licensing and~~
 19 ~~regulation, the state insurance commissioner and financial~~
 20 **services.**

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

28 (j) In the department of ~~natural resources, the supervisor of~~
 29 ~~wells~~ **environment, Great Lakes, and energy**, the director of the

1 **department** and a member of the ~~air pollution control commission,~~
 2 natural resources commission. ~~, or water resources commission.~~

3 ~~(k) In the department of public health, a member of the~~
 4 ~~occupational health standards commission.~~

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

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

12 (10) "Official in the legislative branch" means a member of
 13 the legislature, the auditor general, the deputy auditor general,
 14 an employee of the consumer's council, the director of the
 15 legislative retirement system, or any other employee of the
 16 legislature other than an individual employed by the state in a
 17 clerical or ~~nonpolicy-making~~ **non-policy-making** capacity. **Official**
 18 **in the legislative branch does not include a partisan legislative**
 19 **employee.**

20 ~~(11) "Governmental body" means any state legislative or~~
 21 ~~governing body, including a board, commission, committee,~~
 22 ~~subcommittee, authority, or council, which is empowered by state~~
 23 ~~constitution, statute, or rule to exercise governmental or~~
 24 ~~proprietary authority or perform a governmental or proprietary~~
 25 ~~function, or a lessee thereof performing an essential public~~
 26 ~~purpose and function under the lease agreement.~~

27 **(11) "Representative of the lobbyist" means any of the**
 28 **following:**

29 **(a) An employee of the lobbyist or lobbyist agent.**

1 (b) For purposes of sections 8(1)(f)(ii)(A) and 9(1)(b), a
2 member of the lobbyist or employee of a member of the lobbyist,
3 when the lobbyist is a membership organization or association, and
4 when the lobbyist agent or an employee of the lobbyist or lobbyist
5 agent is present during any part of the period during which the
6 purchased food or beverage is consumed.

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

10 Sec. 6. (1) "Local government" means a city, village,
11 township, county, school district, or community college district.

12 (2) "Nonministerial action" means an action other than an
13 action that a person performs in a prescribed manner under
14 prescribed circumstances in obedience to the mandate of legal
15 authority, without the exercise of personal judgment regarding
16 whether to take the action.

17 (3) "Partisan legislative employee" means an individual
18 employed in a partisan position by the senate or house of
19 representatives in this state. Partisan legislative employee does
20 not include a current elected state senator or representative.

21 (4) ~~(1)~~ "Person" means a business, individual, proprietorship,
22 firm, partnership, joint venture, syndicate, business trust, labor
23 organization, company, corporation, association, committee, or any
24 other organization or group of persons acting jointly, including a
25 state agency or a political subdivision of the state.

26 (5) ~~(2)~~ "Public official" means an official in the executive
27 or legislative branch of state government.

28 ~~(3) "Nonministerial action" means an action other than an~~
29 ~~action which a person performs in a prescribed manner under~~

1 ~~prescribed circumstances in obedience to the mandate of legal~~
 2 ~~authority, without the exercise of personal judgment regarding~~
 3 ~~whether to take the action.~~

4 ~~(4) "Local government" means a city, village, township,~~
 5 ~~county, school district, or community college district.~~

6 Sec. 8. (1) ~~A~~ **Each** lobbyist or a lobbyist agent shall file a
 7 signed report in a form prescribed by **with** the secretary of state
 8 under this section. ~~A report shall be filed~~ **All of the following**
 9 **apply to a report required under this subsection:**

10 (a) **The lobbyist or lobbyist agent shall submit the report in**
 11 **writing, in a form prescribed by the secretary of state and signed**
 12 **by the lobbyist or lobbyist agent.**

13 (b) **The lobbyist or lobbyist agent shall file the report on**
 14 **January 31 covering the calendar year ending on the immediately**
 15 **preceding December 31, and on August 31 covering the immediately**
 16 **preceding December 31 to July 31.**

17 (c) A report ~~shall~~ **for the lobbyist must** be filed by ~~a~~ **the**
 18 lobbyist or ~~for the lobbyist~~ by the lobbyist agent who acts on
 19 behalf of the lobbyist. ~~, and the~~ **A report for a lobbyist agent who**
 20 **acts on his or her own behalf must be filed by that lobbyist agent.**

21 (d) A lobbyist or a lobbyist agent may request from the
 22 secretary of state an extension of the deadline for filing the
 23 report for a period ~~not to exceed~~ **of not more than** 60 days. The
 24 secretary of state shall respond in writing to the request, either
 25 approving or disapproving the request. ~~, and if approval is~~
 26 ~~granted,~~ **If the secretary of state approves the request,** the period
 27 of the extension ~~, not later than~~ **must be within** 9 days after
 28 ~~receipt of~~ **the secretary of state receives** the request.

29 (e) A lobbyist or lobbyist agent may file an amended report

1 within 1 year after the date the report is required to be filed,
2 including an extension period **granted under subdivision (d)**. The

3 **(f) Each** report ~~shall be on a prescribed form and shall must~~
4 include the following information:

5 **(i) (a)** ~~A statement updating to the end of the reporting period~~
6 the information required ~~to be filed~~ **for registration** under section
7 7.

8 **(ii) (b)** ~~An account of expenditures made by a lobbyist,~~
9 lobbyist agent, or representative of a lobbyist. The **account must**
10 **report the** expenditures ~~shall be reported by category, with the~~
11 ~~report showing in the following categories, show~~ the total amount
12 expended in each category during the preceding reporting period,
13 and **show** the cumulative amount expended in each category for the
14 ~~current year period~~ from January 1 through the ~~month covered by the~~
15 ~~report. Expenditures shall be reported in the following~~
16 ~~categories:~~ **end of the reporting period:**

17 **(A) (i)** ~~Expenditures~~ **Subject to subsection (2), expenditures**
18 for food and beverage provided for public officials ~~as specified in~~
19 ~~subsection (2).~~ **or a partisan legislative employee.**

20 **(B) (ii)** ~~Advertising and mass mailing expenses directly related~~
21 to lobbying.

22 **(C) (iii)** ~~Other expenditures for lobbying made or incurred by a~~
23 lobbyist, a lobbyist agent, or an employee of a lobbyist or
24 lobbyist agent, other than expenditures for lobbying made or
25 incurred by a lobbyist, a lobbyist agent, or an employee of a
26 lobbyist or a lobbyist agent of less than \$5.00 made for goods or
27 services for which a receipt or proof of purchase is not normally
28 available.

29 **(iii) (e)** ~~An account of every financial transaction during the~~

1 immediately preceding reporting period between the lobbyist or
 2 lobbyist agent, or a person acting on behalf of the lobbyist or
 3 lobbyist agent, and a public official, **a partisan legislative**
 4 **employee**, or a member of the public official's immediate family, or
 5 a business with which the individual is associated, in which goods
 6 and services ~~having that~~ **have a** value of at least \$775.00, or
 7 travel and lodging expenses paid for or reimbursed to a public
 8 official **who is not a legislator** in connection with public business
 9 by that public official **who is not a legislator or a partisan**
 10 **legislative employee** in excess of \$500.00, are involved. The
 11 account ~~shall~~ **must** include the date and nature of the transaction,
 12 the parties to the transaction, and the amount involved in the
 13 transaction. This ~~subdivision~~ **subparagraph** does not apply to the
 14 following:

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

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

22 **(iv)** ~~(d)~~—A brief description of the lobbying activities engaged
 23 in during the previous reporting period.

24 **(v)** ~~(e)~~ ~~In the case of~~ **For** travel and lodging expenses
 25 described in ~~subdivision (e),~~ **subparagraph (iii), paid for or**
 26 **reimbursed to a partisan legislative employee**, the lobbyist or
 27 lobbyist agent shall ~~prepare~~ **include with the report** a separate
 28 document detailing the ~~expenditure required to be reported.~~
 29 **expenditures the lobbyist or lobbying agent is required to report.**

1 The lobbyist or lobbyist agent shall send, simultaneously with the
2 filing of the report to the secretary of state, a copy of the
3 document to the affected ~~legislator~~. **partisan legislative employee.**

4 (2) Expenditures for food and beverage provided **to** a public
5 official ~~shall~~ **or a partisan legislative employee must** be reported
6 **under subsection (1) (f) (ii)** if the expenditures for that public
7 official **or partisan legislative employee** exceed \$25.00 in any
8 month covered by the report or \$150.00 during that calendar year
9 from January 1 through the month covered by the report. The report
10 ~~shall~~ **must** include the name ~~and~~ **of the public official or partisan**
11 **legislative employee, the** title or office of the public official,
12 and the expenditures on that public official **or partisan**
13 **legislative employee** for the months covered by the report and for
14 the year. If more than 1 public official **or partisan legislative**
15 **employee** is provided food and beverage and a single check is
16 rendered, the report may reflect the average amount of the check
17 for each public official **or partisan legislative employee.** If the
18 expenditures are a result of an event at which more than 25 public
19 officials were in attendance, are a result of an event to which an
20 entire standing committee of the legislature was invited in writing
21 to be informed concerning a bill that was assigned to that standing
22 committee, or are a result of an event to which an entire caucus of
23 either house of the legislature was invited in writing, a lobbyist
24 or a lobbyist agent shall report the total amount expended on the
25 public officials in attendance for food and beverage and is not
26 required to report the amount expended on the public officials
27 individually. In reporting those amounts, the lobbyist or lobbyist
28 agent shall file a statement providing a description by category of
29 the persons in attendance and the nature of each event or function

1 held during the preceding reporting period.

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

9 (4) If a lobbyist agent employs another lobbyist agent to
 10 engage in lobbying, the **employer lobbyist agent shall report the**
 11 activities of the employee lobbyist agent ~~shall be reported by the~~
 12 ~~employer lobbyist agent~~ under this section.

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

20 (6) The secretary of state shall preserve statements and
 21 reports filed under this act for 5 years after filing. The
 22 statements and reports may be reproduced ~~pursuant to the records~~
 23 ~~media act.~~**under the records reproduction act, 1992 PA 116, MCL**
 24 **24.401 to 24.406.** After the required preservation period, the
 25 **secretary of state shall destroy the** statements and reports, or the
 26 reproductions of the statements and reports, other than those
 27 necessary to complete an investigation by the attorney general or
 28 pertinent to a matter being adjudicated in a court of law. ~~shall~~
 29 ~~be destroyed.~~

1 Sec. 9. (1) A lobbyist or a lobbyist agent acting on behalf of
 2 the lobbyist, and a lobbyist agent acting on his or her own behalf,
 3 shall obtain and preserve all accounts, bills, receipts, books,
 4 papers, and documents necessary to substantiate the reports
 5 required to be made ~~pursuant to~~**under** section 8 for 5 years after
 6 the report containing those items is filed. These records ~~shall~~
 7 **must** be made available for inspection upon request by the secretary
 8 of state after reasonable notice. The records ~~shall~~**must** include
 9 the following:

10 (a) An itemized account of all expenditures related to the
 11 performance of lobbying. Single expenditures of \$100.01 or more
 12 ~~shall~~**must** be recorded separately with the record showing the date,
 13 purpose, and name and address of the recipient of the expenditures.

14 (b) An itemized account of all expenditures for food and
 15 beverage provided for public officials **or a partisan legislative**
 16 **employee**. The account ~~shall~~**must** reflect the date and amount of the
 17 expenditure and the name ~~and~~**of the public official or partisan**
 18 **legislative employee, the** title or office of the public official
 19 for whom the expenditure was made, and the name of the lobbyist
 20 agent or representative of the lobbyist who purchased the food or
 21 beverage for the public official **or partisan legislative employee,**
 22 except that when more than 1 public official **or partisan**
 23 **legislative employee** is provided food and beverage and a single
 24 check or voucher is rendered, the account may reflect the average
 25 amount of the check for each public official **or partisan**
 26 **legislative employee**. A lobbyist shall record amounts expended on
 27 public officials for food and beverage where the expenditures are a
 28 result of an event at which more than 25 public officials were in
 29 attendance or are a result of an event to which an entire standing

1 committee of the legislature has been invited in writing to be
2 informed concerning a bill which has been assigned to that standing
3 committee. The record ~~shall~~**must** not list the expenditures for
4 public officials individually. The lobbyist shall record the names
5 of all public officials in attendance and the nature of each event
6 or function held.

7 (2) ~~A person~~**An individual** who violates this section is guilty
8 of a misdemeanor ~~and shall be punished~~**punishable** by a fine of not
9 more than \$1,000.00 ~~, or imprisoned~~**imprisonment** for not more than
10 90 days, or both. ~~, and if the~~**If a person is** other than an
11 individual **violates this section**, the person shall be fined not
12 more than \$10,000.00.

13 Sec. 12. (1) ~~The department 2 times~~**Twice** a year and annually,
14 **the department** shall prepare and publish summaries of the
15 statements and reports received **under this act**. The summaries ~~shall~~
16 **must** include a list of the names of the lobbyists and lobbyist
17 agents. The summaries ~~shall~~**must** be given wide public
18 dissemination.

19 (2) **The department shall include all reports received under**
20 **section 8(1)(f)(ii)(A), (iii), and (v) in a database that is**
21 **searchable by name or the amount of expenditure. The department**
22 **shall make that database available to the public on an internet**
23 **website.**