

# HOUSE BILL NO. 6058

April 28, 2022, Introduced by Reps. Paquette, Bezotte and Yaroach 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, 5, 8, 9, and 11 (MCL 4.413, 4.415, 4.418, 4.419, and 4.421), 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) "Expenditure" means an advance, compensation for labor, honorarium, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value including a contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure does not include the payment of a membership fee otherwise reported ~~pursuant to~~ **under** section ~~8(1)(d)~~ **(8) (1) (f) (iv)** or the cost of travel to visit and return from visiting a public official for the purpose of communicating with the public official.

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

Sec. 5. (1) **"Governmental body" means a state legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that may, under a state constitution, statute, or rule, exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee of the body that performs an essential public purpose and function under the lease agreement.**

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

(3) ~~(1)~~ **"Legislative action" means introduction, sponsorship, support, opposition, consideration, debate, vote, passage, defeat, approval, veto, delay, or an official action by an official in the executive branch or an official in the legislative branch on a bill, resolution, amendment, nomination, appointment, report, or**

any matter pending or proposed in a legislative committee or either house of the legislature. Legislative action does not include the representation of a person who has been subpoenaed to appear before the legislature or an agency of the legislature.

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

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

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

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

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

(c) For the purpose of subdivisions (a) and (b), groups of 25 or more people shall not have their personal expenditures for food, travel, and beverage included ~~, providing if~~ those expenditures are

1 not reimbursed by a lobbyist or lobbyist agent.

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

4 **(6)** ~~(5)~~—"Lobbyist agent" means a person ~~who~~**that** receives  
5 compensation or reimbursement of actual expenses, or both, in a  
6 combined amount in excess of \$250.00 in any 12-month period for  
7 lobbying.

8 ~~(6) "Representative of the lobbyist" means any of the~~  
9 ~~following:~~

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

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

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

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

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  
28 office, **not including any of the following:**

29 ~~(c) For the purposes of this act, subdivision (b) shall not~~

1 ~~include:~~

2 (i) Employees of public or private colleges, community  
3 colleges, junior colleges, or universities.

4 (ii) Employees of townships, villages, cities, counties, or  
5 school boards.

6 (iii) Employees of state executive departments.

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

8 (c) ~~(d)~~ A member of a lobbyist ~~, if the lobbyist is a~~  
9 membership organization or association ~~, and if the member of a the~~  
10 lobbyist does not separately qualify as a lobbyist under subsection  
11 ~~(4)-(5)~~.

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

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

28 (a) In the executive office of the governor, the chief and  
29 deputy chief of staff, press secretary, director of job training,

1 and director of personnel.

2 (b) In the department of agriculture **and rural development**,  
 3 the racing commissioner and a member of the **commission on**  
 4 ~~agriculture commission.~~**and rural development.**

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

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

9 (e) In the department of ~~commerce, the commissioner of~~  
 10 ~~financial institutions,~~ **labor and economic opportunity**, the  
 11 executive director of the housing development authority, **the**  
 12 **director of the unemployment insurance agency**, and a member of the  
 13 ~~liquor control commission,~~ strategic fund board, **employment**  
 14 **security board of review, employment security commission**, state  
 15 housing development authority, **or** travel commission. ~~, or public~~  
 16 ~~service commission.~~

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

22 (g) In the department of ~~labor,~~ **licensing and regulatory**  
 23 **affairs**, the director of the bureau of workers' disability  
 24 compensation, ~~the director of the employment security commission,~~  
 25 and a member of the construction code commission, ~~employment~~  
 26 ~~relations commission, employment security board of review,~~  
 27 ~~employment security commission,~~ **public service commission, liquor**  
 28 **control commission**, or wage deviation board.

29 (h) ~~In~~ **The director of** the department of ~~licensing and~~

1 ~~regulation, the state insurance commissioner, and financial~~  
 2 **services.**

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

10 (j) In the department of ~~natural resources, the supervisor of~~  
 11 ~~wells~~ **environment, Great Lakes, and energy**, the director of the  
 12 **department** and a member of the ~~air pollution control commission,~~  
 13 natural resources commission. ~~, or water resources commission.~~

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

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

18 **(l)** ~~(m)~~ In the department of treasury, a member of the hospital  
 19 finance authority, investment advisory committee, ~~or~~ state tax  
 20 commission, **higher education facilities commission, higher**  
 21 **education facilities authority, higher education assistance**  
 22 **authority, or higher education student loan authority.**

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

29 ~~(11) "Governmental body" means any state legislative or~~

~~governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee thereof performing an essential public purpose and function under the lease agreement.~~

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

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

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

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

Sec. 8. (1) ~~A-Each~~ 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~~ **All of the following apply to a report required under this subsection:**

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

(b) The lobbyist or lobbyist agent shall file the report 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.



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

(d) 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 of not more than~~ 60 days. The secretary of state shall respond in writing to the request, either approving or disapproving the request. ~~, and if approval is granted,~~ **If the secretary of state approves the request,** the period of the extension ~~, not later than must be within~~ 9 days after receipt of ~~the secretary of state receives~~ the request.

(e) 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 **granted under subdivision (d).** ~~The~~

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

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

(ii) ~~(b)~~ An account of expenditures made by a lobbyist, lobbyist agent, or representative of a lobbyist. The **account must report the** expenditures ~~shall be reported by category, with the report showing in the following categories, show~~ the total amount expended in each category during the preceding reporting period, and **show** 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:~~ **end of the reporting period:**

1           (A) ~~(i) Expenditures~~ **Subject to subsection (2), expenditures**  
 2 for food and beverage provided for ~~a public officials as specified~~  
 3 ~~in subsection (2).~~ **official who is not a legislator.**

4           (B) ~~(ii)~~ Advertising and mass mailing expenses directly related  
 5 to lobbying.

6           (C) ~~(iii)~~ Other expenditures for lobbying made or incurred by a  
 7 lobbyist, a lobbyist agent, or an employee of a lobbyist or  
 8 lobbyist agent, other than expenditures for lobbying made or  
 9 incurred by a lobbyist, a lobbyist agent, or an employee of a  
 10 lobbyist or a lobbyist agent of less than \$5.00 made for goods or  
 11 services for which a receipt or proof of purchase is not normally  
 12 available.

13           (iii) ~~(e)~~ An account of every financial transaction during the  
 14 immediately preceding reporting period between the lobbyist or  
 15 lobbyist agent, or a person acting on behalf of the lobbyist or  
 16 lobbyist agent, and a public official or a member of the public  
 17 official's immediate family, or a business with which the  
 18 individual is associated, in which goods and services having value  
 19 of at least \$775.00, or travel and lodging expenses paid for or  
 20 reimbursed to a public official in connection with public business  
 21 by that public official in excess of \$500.00, are involved. The  
 22 account ~~shall~~ **must** include the date and nature of the transaction,  
 23 the parties to the transaction, and the amount involved in the  
 24 transaction. This ~~subdivision~~ **subparagraph** does not apply to the  
 25 following:

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

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

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

6           **(v) ~~(e)~~**—In the case of travel and lodging expenses described  
 7 in ~~subdivision (e), subparagraph (iii),~~ the lobbyist or lobbyist  
 8 agent shall ~~prepare~~ **include with the report** a separate document  
 9 detailing the ~~expenditure required to be reported.~~ **expenditures the**  
 10 **lobbyist or lobbyist agent is required to report.** The lobbyist or  
 11 lobbyist agent shall send, simultaneously with the filing of the  
 12 report to the secretary of state, a copy of the document to the  
 13 affected legislator.

14           (2) Expenditures for food and beverage provided a public  
 15 official ~~shall~~ **who is not a legislator must** be reported **under**  
 16 **subsection (1) (f) (ii)** if the expenditures for that public official  
 17 exceed \$25.00 in any month covered by the report or \$150.00 during  
 18 that calendar year from January 1 through the month covered by the  
 19 report. The report ~~shall~~ **must** include the name and title or office  
 20 of the public official and the expenditures on that public official  
 21 for the months covered by the report and for the year. If more than  
 22 1 public official **who is not a legislator** is provided food and  
 23 beverage and a single check is rendered, the report may reflect the  
 24 average amount of the check for each public official. If the  
 25 expenditures are a result of an event at which more than 25 public  
 26 officials **who are not legislators** were in attendance, ~~are a result~~  
 27 ~~of an event to which an entire standing committee of the~~  
 28 ~~legislature was invited in writing to be informed concerning a bill~~  
 29 ~~that was assigned to that standing committee, or are a result of an~~

1 ~~event to which an entire caucus of either house of the legislature~~  
2 ~~was invited in writing,~~ a lobbyist or a lobbyist agent shall report  
3 the total amount expended on the public officials in attendance for  
4 food and beverage and is not required to report the amount expended  
5 on the public officials individually. In reporting those amounts,  
6 the lobbyist or lobbyist agent shall file a statement providing a  
7 description by category of the persons in attendance and the nature  
8 of each event or function held during the preceding reporting  
9 period.

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

17 (4) If a lobbyist agent employs another lobbyist agent to  
18 engage in lobbying, the **employer lobbyist agent shall report the**  
19 activities of the employee lobbyist agent ~~shall be reported by the~~  
20 ~~employer lobbyist agent~~ under this section.

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

28 (6) The secretary of state shall preserve statements and  
29 reports filed under this act for 5 years after filing. The

1 statements and reports may be reproduced ~~pursuant to the records~~  
 2 ~~media act.~~ **under the records reproduction act, 1992 PA 116, MCL**  
 3 **24.401 to 24.406.** After the required preservation period, the  
 4 **secretary of state shall destroy the** statements and reports, or the  
 5 reproductions of the statements and reports, other than those  
 6 necessary to complete an investigation by the attorney general or  
 7 pertinent to a matter being adjudicated in a court of law. ~~, shall~~  
 8 ~~be destroyed.~~

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

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

22       (b) An itemized account of all expenditures for food and  
 23 beverage provided for ~~a public officials.~~ **official who is not a**  
 24 **legislator.** The account ~~shall~~ **must** reflect the date and amount of  
 25 the expenditure and the name and title or office of the public  
 26 official for whom the expenditure was made, and the name of the  
 27 lobbyist agent or representative of the lobbyist who purchased the  
 28 food or beverage for the public official, except that when more  
 29 than 1 public official is provided food and beverage and a single

1 check or voucher is rendered, the account may reflect the average  
 2 amount of the check for each public official. A lobbyist shall  
 3 record amounts expended on public officials **who are not legislators**  
 4 for food and beverage where the expenditures are a result of an  
 5 event at which more than 25 public officials **who are not**  
 6 **legislators** were in attendance. ~~or are a result of an event to~~  
 7 ~~which an entire standing committee of the legislature has been~~  
 8 ~~invited in writing to be informed concerning a bill which has been~~  
 9 ~~assigned to that standing committee.~~ The record shall not list the  
 10 expenditures for public officials individually. The lobbyist shall  
 11 record the names of all public officials in attendance and the  
 12 nature of each event or function held.

13 (2) ~~A person~~ **An individual** who violates this section is guilty  
 14 of a misdemeanor ~~and shall be punished~~ **punishable** by a fine of not  
 15 more than \$1,000.00 ~~, or imprisoned~~ **imprisonment** for not more than  
 16 90 days, or both. ~~, and if the~~ **If a person is** other than an  
 17 individual **violates this section**, the person shall be fined not  
 18 more than \$10,000.00.

19 Sec. 11. (1) A person shall not be employed as a lobbyist  
 20 agent for compensation contingent in any manner upon the outcome of  
 21 an administrative or legislative action. A person ~~who~~ **that**  
 22 knowingly violates this subsection is guilty of a felony ~~and~~  
 23 **punishable by**, if the person is an individual, ~~shall be punished by~~  
 24 **imprisonment for not more than 3 years or** a fine of not more than  
 25 \$10,000.00, ~~or imprisoned for not more than 3 years, or both, and~~  
 26 **or**, if the person is ~~other than~~ **not** an individual, ~~shall be~~  
 27 ~~punished by~~ a fine of not more than \$25,000.00.

28 (2) A lobbyist or lobbyist agent or anyone acting on behalf of  
 29 a lobbyist or lobbyist agent shall not give a gift or loan, other

1 than a loan made in the normal course of business by an  
 2 institution, ~~as defined in section 5 of Act No. 319 of the Public~~  
 3 ~~Acts of 1969, as amended,~~ a national bank, a branch bank, an  
 4 insurance company issuing a loan or receiving a mortgage in the  
 5 normal course of business, a premium finance company, a mortgage  
 6 company, a small loan company, a state or federal credit union, a  
 7 savings and loan association chartered by this state or the federal  
 8 government, or a licensee. ~~as defined by Act No. 27 of the Public~~  
 9 ~~Acts of the Extra Session of 1950, as amended.~~ For the purpose of  
 10 this section, **an institution shall not give** a preferential interest  
 11 rate ~~shall not be given solely on the basis of~~ **because** the credit  
 12 applicant ~~being~~ **is** a public official or a member of the public  
 13 official's immediate family. A person ~~who~~ **that** gives a gift **with a**  
 14 **value of \$3,000.00 or less** in violation of this subsection is  
 15 guilty of a misdemeanor **punishable by**, if the ~~value of the gift is~~  
 16 ~~\$3,000.00 or less, and shall be punished by~~ **person is an**  
 17 **individual, imprisonment for not more than 90 days or** a fine of not  
 18 more than \$5,000.00, ~~or imprisoned for not more than 90 days, or~~  
 19 both, ~~and~~ **or**, if the person is ~~other than~~ **not** an individual, the  
 20 ~~person shall be fined~~ **a fine of** not more than \$10,000.00. A person  
 21 ~~who~~ **that** knowingly gives a gift **with a value of more than \$3,000.00**  
 22 in violation of this subsection ~~and the value of the gift is more~~  
 23 ~~than \$3,000.00 is guilty of a felony and~~ **punishable by**, if the  
 24 person is an individual, ~~shall be punished by~~ **imprisonment for not**  
 25 **more than 3 years or** a fine of not more than \$10,000.00, ~~or~~  
 26 ~~imprisoned for not more than 3 years, or both, and~~ **or**, if the  
 27 person is ~~other than~~ **not** an individual, ~~shall be punished by~~ a fine  
 28 of not more than \$25,000.00.

29 (3) Information copied from registration forms or activity

1 reports required by this act or from lists compiled from the forms  
2 or reports may not be sold or utilized by any person for any  
3 commercial purpose. A person ~~who~~**that** violates this subsection is  
4 subject to a civil ~~penalty~~**fine** of not more than \$1,000.00.

5 (4) A public official, other than an individual who is  
6 appointed or elected to a board or commission and is not an ex  
7 officio member or prohibited by law from having other employment,  
8 shall not accept compensation or reimbursement, other than from the  
9 state, for personally engaging in lobbying. A person ~~who~~**that**  
10 violates this subsection is guilty of a misdemeanor ~~and shall be~~  
11 ~~punished~~**punishable** by **imprisonment for not more than 90 days or a**  
12 **fine of not more than \$1,000.00, or imprisoned for not more than 90**  
13 **days, or both.**

14 (5) **Beginning on the effective date of the amendatory act that**  
15 **added this section, a lobbyist or lobbyist agent or anyone acting**  
16 **on behalf of a lobbyist or lobbyist agent shall not give or**  
17 **purchase food or beverages, including breakfast, luncheon, dinner,**  
18 **or other refreshment consisting of food and beverage provided for**  
19 **immediate consumption, for a public official who is a legislator. A**  
20 **person that knowingly gives or purchases food or beverages for a**  
21 **public official who is a legislator in violation of this subsection**  
22 **is guilty of a misdemeanor punishable by, if the person is an**  
23 **individual, imprisonment for not more than 90 days or a fine of not**  
24 **more than \$5,000.00 or both, or, if the person is not an**  
25 **individual, a fine of not more than \$10,000.00.**

26 (6) As used in this section:

27 (a) "Institution" means that term as defined in section 1202  
28 of the banking code of 1999, 1999 PA 276, MCL 487.11202.

29 (b) "Licensee" means that term as defined in section 2 of the



1 motor vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.102.