

HOUSE BILL NO. 4690

April 21, 2021, Introduced by Reps. Kahle and Fink 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 section 5 (MCL 4.415), as amended by 1986 PA 83.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

9 (3) ~~(1)~~—"Legislative action" means introduction, sponsorship,
10 support, opposition, consideration, debate, vote, passage, defeat,
11 approval, veto, delay, or an official action by an official in the
12 executive branch or an official in the legislative branch on a
13 bill, resolution, amendment, nomination, appointment, report, or
14 any matter pending or proposed in a legislative committee or either
15 house of the legislature. Legislative action does not include the
16 representation of a person who has been subpoenaed to appear before
17 the legislature or an agency of the legislature.

18 (4) ~~(2)~~—"Lobbying" means communicating directly with an
19 official in the executive branch of state government or an official
20 in the legislative branch of state government for the purpose of
21 influencing legislative **action** or administrative action. Lobbying
22 does not include the providing of technical information by a person
23 other than a ~~person as defined in subsection (5)~~ **lobbyist agent** or
24 an employee of a ~~person as defined in subsection (5)~~ **lobbyist agent**
25 when appearing before an officially convened legislative committee
26 or executive department hearing panel. As used in this subsection,
27 "technical information" means empirically verifiable data provided
28 by a person recognized as an expert in the subject area to which
29 the information provided is related.

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

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

6 (a) A person whose expenditures for lobbying are more than
7 \$1,000.00 in value in any 12-month period.

8 (b) A person whose expenditures for lobbying are more than
9 \$250.00 in value in any 12-month period, if the amount is expended
10 on lobbying a single public official.

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

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

17 (6) ~~(5)~~"Lobbyist agent" means a person who receives
18 compensation or reimbursement of actual expenses, or both, in a
19 combined amount in excess of \$250.00 in any 12-month period for
20 lobbying.

21 ~~(6) "Representative of the lobbyist" means any of the~~
22 ~~following:~~

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

24 ~~(b) For purposes of section 8(1)(b)(i) and 9(1)(b), a member~~
25 ~~of the lobbyist or employee of a member of the lobbyist, when the~~
26 ~~lobbyist is a membership organization or association, and when the~~
27 ~~lobbyist agent or an employee of the lobbyist or lobbyist agent is~~
28 ~~present during any part of the period during which the purchased~~
29 ~~food or beverage is consumed.~~

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

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

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

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

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

15 (i) Employees of public or private colleges, community
 16 colleges, junior colleges, or universities.

17 (ii) Employees of townships, villages, cities, counties, or
 18 school boards.

19 (iii) Employees of state executive departments.

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

21 **(c)** ~~(d)~~ A member of a lobbyist ~~,~~ if the lobbyist is a
 22 membership organization or association ~~,~~ and ~~if~~ the member of ~~a~~ **the**
 23 lobbyist does not separately qualify as a lobbyist under subsection
 24 (4).

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

27 (9) "Official in the executive branch" means the governor,
 28 lieutenant governor, secretary of state, attorney general; ~~or~~ an
 29 individual who is in the executive branch of state government and

1 not under civil service; **or** a classified director, chief deputy
 2 director, or deputy director of a state department. ~~This Official~~
 3 **in the executive branch** includes an individual who is elected or
 4 appointed and has not yet taken, or an individual who is nominated
 5 for appointment to, any of the offices or agencies enumerated in
 6 this subsection. ~~An official Official~~ in the executive branch does
 7 not include ~~a person~~ **an individual** serving in a clerical,
 8 nonpolicy-making, or nonadministrative capacity. ~~In addition to all~~
 9 ~~of the foregoing, an official Official~~ in the executive branch
 10 includes, **but is not limited to**, all of the following:

11 (a) In the executive office of the governor, the chief and
 12 deputy chief of staff, press secretary, director of job training,
 13 ~~and~~ director of personnel, **policy director, and any other employee**
 14 **of the office other than an individual employed by the state in a**
 15 **clerical or nonpolicy-making capacity.**

16 (b) In the department of agriculture **and rural development**,
 17 the racing commissioner and a member of the agriculture **and rural**
 18 **development** commission.

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

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

23 (e) In the department of ~~commerce, the commissioner of~~
 24 ~~financial institutions,~~ **labor and economic opportunity**, the
 25 executive director of the housing development authority, **the**
 26 **director of the unemployment insurance agency**, and a member of the
 27 ~~liquor control commission,~~ strategic fund board, **employment**
 28 **security board of review, employment security commission**, state
 29 housing development authority, travel commission, or ~~public service~~

1 ~~commission.~~**employment security commission.**

2 (f) In the department of education, a member of the state
3 board of education, ~~higher education facilities commission, higher~~
4 ~~education facilities authority, higher education assistance~~
5 ~~authority, higher education student loan authority,~~ or state tenure
6 commission.

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

14 (h) ~~In~~**The director of** the department of ~~licensing and~~
15 ~~regulation, the state insurance commissioner.~~**and financial**
16 **services.**

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

24 (j) In the department of ~~natural resources,~~ ~~the supervisor of~~
25 ~~wells~~**environment, Great Lakes, and energy,** ~~the director of the~~
26 **department** and a member of the ~~air pollution control commission,~~
27 natural resources commission. ~~, or water resources commission.~~

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

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

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

8 (10) "Official in the legislative branch" means a member of
9 the legislature, the auditor general, the deputy auditor general,
10 an employee of the consumer's council, the director of the
11 legislative retirement system, **a policy director or advisor for the**
12 **minority or majority political party, a budget director or advisor**
13 **for the minority or majority political party, an employee assigned**
14 **to a legislator's office,** or any other employee of the legislature
15 other than an individual employed by the state in a clerical or
16 nonpolicy-making capacity.

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

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

26 **(a) An employee of a lobbyist or lobbyist agent.**

27 **(b) For purposes of sections 8(1)(b)(i) and 9(1)(b), a member**
28 **of a lobbyist or employee of a member of a lobbyist if the lobbyist**
29 **is a membership organization or association and the lobbyist agent**

1 or an employee of the lobbyist or lobbyist agent is present during
2 any part of the period during which the purchased food or beverage
3 is consumed.

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

7 Enacting section 1. This amendatory act takes effect January
8 1, 2022.