

HOUSE BILL NO. 5356

November 14, 2023, Introduced by Reps. Brixie and Skaggs and referred to the Committee on Judiciary.

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 4 (MCL 4.414), as amended by 2008 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) "Gift" means a payment, advance, forbearance, or
- 2 the rendering or deposit of money, services, or anything of value,
- 3 the value of which exceeds \$25.00, as adjusted under section 19a,

1 in any 1-month period, unless consideration of equal or greater
2 value is received ~~therefor.~~ **for the payment, advance, forbearance,**
3 **or rendering or deposit of money, services, or thing of value.** Gift
4 includes a payment, advance, forbearance, or the rendering or
5 deposit of money, services, or anything of value to aid the defense
6 of an official in the legislative branch or an official in the
7 executive branch against a legal action not directly related to the
8 governmental duties of the official. Gift does not include the
9 following:

10 (a) A campaign contribution otherwise reported as required by
11 the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
12 169.282.

13 (b) A loan made in the normal course of business by an
14 institution, as **that term is** defined in ~~chapter 1~~ **section 1202** of
15 the banking code of 1999, 1999 PA 276, MCL ~~487.11101 to 487.11203,~~
16 **487.11202**, a national bank, a branch bank, an insurance company
17 issuing a loan or receiving a mortgage in the normal course of
18 business, a premium finance company, a mortgage company, a small
19 loan company, a state or federal credit union, a savings and loan
20 association chartered by this state or the federal government, or a
21 licensee, as **that term is** defined ~~by~~ **in section 2 of** the motor
22 vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL ~~492.101 to~~
23 ~~492.141.~~ **492.102.**

24 (c) A gift received from a member of the ~~person's~~ **individual's**
25 immediate family, a relative of a spouse, a relative within the
26 seventh degree of consanguinity as computed by the civil law
27 method, or from the spouse of the relative.

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

1 (e) A contribution to a legal defense fund that is registered
2 with the secretary of state under the legal defense fund act, **2008**
3 **PA 288, MCL 15.521 to 15.539**, and ~~whose~~**the purpose of which** is to
4 defend an elected official against any criminal, civil, or
5 administrative action, that arises directly out of the conduct of
6 the elected official's governmental duties.

7 (2) "Immediate family" means a child residing in an
8 individual's household, a spouse of an individual, or an individual
9 claimed by that individual or that individual's spouse as a
10 dependent for federal income tax purposes.

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

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 5354 (request no.
16 03158'23) of the 102nd Legislature is enacted into law.