

SENATE BILL No. 958

October 28, 2009, Introduced by Senator BARCIA and referred to the Committee on Agriculture and Bioeconomy.

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 report, or any matter pending or proposed in a legislative
7 committee or either house of the legislature. Legislative action

1 does not include the representation of a person who has been
2 subpoenaed to appear before the legislature or an agency of the
3 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)~~ **UNLESS THE PERSON**
10 **PROVIDING THE INFORMATION IS A LOBBYIST AGENT** or an employee of a
11 ~~person as defined in subsection (5)~~ **LOBBYIST AGENT** appearing
12 before an officially convened legislative committee or executive
13 department hearing panel. As used in this subsection, "technical
14 information" means empirically verifiable data provided by a person
15 recognized as an expert in the subject area to which the
16 information provided is related.

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

21 (4) "Lobbyist" means any of the following:

22 (a) ~~A~~ **SUBJECT TO SUBSECTION (12)**, A person whose expenditures
23 for lobbying are more than \$1,000.00 in value in any 12-month
24 period.

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

1 ~~For the purpose of subdivisions (a) and (b), groups of 25~~
2 ~~or more people shall not have their personal expenditures for food,~~
3 ~~travel, and beverage included, providing those expenditures are not~~
4 ~~reimbursed by a lobbyist or lobbyist agent.~~

5 (C) ~~(d)~~The state or a political subdivision ~~which~~**THAT**
6 contracts for a lobbyist agent.

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

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

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

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

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

22 (7) Lobbyist or lobbyist agent does not include:

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

26 (b) ~~All~~**AN** elected or appointed public ~~officials~~**OFFICIAL** of
27 state or local government who ~~are~~**IS** acting in the course or scope

1 of the office for no compensation, other than that provided by law
2 for the office.

3 ~~— (c) For the purposes of this act, HOWEVER, AN ELECTED OR~~
4 **APPOINTED PUBLIC OFFICIAL UNDER THIS** subdivision ~~(b) shall DOES~~ not
5 include **ANY OF THE FOLLOWING**:

6 (i) ~~Employees~~ **AN EMPLOYEE** of **A** public or private colleges
7 **COLLEGE**, community colleges ~~COLLEGE~~, junior colleges ~~COLLEGE~~ or
8 universities **UNIVERSITY**.

9 (ii) ~~Employees~~ **AN EMPLOYEE** of townships, villages, cities,
10 counties or school boards **A TOWNSHIP, VILLAGE, CITY, COUNTY, OR**
11 **SCHOOL BOARD**.

12 (iii) ~~Employees~~ **AN EMPLOYEE** of **A** state executive departments
13 **DEPARTMENT**.

14 (iv) ~~Employees~~ **AN EMPLOYEE** of the judicial branch of
15 government.

16 (C) ~~(d)~~ A member of a lobbyist, if the lobbyist is a
17 membership organization or association, and if the member of a
18 lobbyist does not separately qualify as a lobbyist under subsection
19 (4).

20 (8) "Mass mailing" means ~~not less than~~ 1,000 pieces **OR MORE** of
21 substantially similar material mailed within a 7-day period.

22 (9) "Official in the executive branch" means the governor,
23 lieutenant governor, secretary of state, attorney general; ~~or~~ an
24 individual who is in the executive branch of state government and
25 not under civil service; **OR** a classified director, chief deputy
26 director, or deputy director of a state department. ~~This OFFICIAL~~
27 **IN THE EXECUTIVE BRANCH** includes an individual who is elected or

1 appointed and has not yet taken, or an individual who is nominated
2 for appointment to, any of the offices or agencies enumerated in
3 this subsection. ~~An official~~ **OFFICIAL** in the executive branch does
4 not include a person serving in a clerical, nonpolicy-making, or
5 nonadministrative capacity. ~~In addition to all of the foregoing, an~~
6 ~~official~~ **OFFICIAL** in the executive branch **ALSO** includes all of the
7 following:

8 (a) In the executive office of the governor, the chief and
9 deputy chief of staff, press secretary, director of job training,
10 and director of personnel.

11 (b) In the department of agriculture, ~~the racing commissioner~~
12 ~~and a member of the agriculture commission~~ **OF AGRICULTURE**.

13 (c) In the department of civil rights, a member of the civil
14 rights commission.

15 (d) In the department of ~~civil service, a member of the civil~~
16 ~~service commission~~ **HISTORY, ARTS, AND LIBRARIES, A MEMBER OF THE**
17 **MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS**.

18 (e) In the department of ~~commerce,~~ **ENERGY, LABOR, AND ECONOMIC**
19 **GROWTH**, the commissioner of financial ~~institutions~~ **AND INSURANCE**
20 **REGULATION**, the executive director of the housing development
21 authority, and a member of the liquor control commission, strategic
22 fund board, state housing development authority, travel commission,
23 or public service commission.

24 (f) In the department of education, a member of the state
25 board of education, ~~higher education facilities commission, higher~~
26 ~~education facilities authority, higher education assistance~~
27 ~~authority, higher education student loan authority, or state tenure~~

1 commission.

2 (g) In the department of **ENERGY, labor, AND ECONOMIC GROWTH,**
 3 the director of the bureau of workers' disability compensation, the
 4 director of the employment security commission, and a member of the
 5 construction code commission, employment relations commission,
 6 employment security board of review, employment security
 7 commission, ~~or~~ wage deviation board, **OR OCCUPATIONAL STANDARDS**
 8 **COMMISSION.**

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

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

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

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

25 **(K) (l)** ~~In the department of transportation, a member of the~~
 26 ~~aeronautics commission and a state transportation commissioner.~~

27 **(L) (m)** ~~In the department of treasury, **THE LOTTERY COMMISSIONER**~~

1 OR a member of the hospital finance authority, investment advisory
 2 committee, ~~or~~ state tax commission, **STATE HIGHER EDUCATION**
 3 **FACILITIES COMMISSION, HIGHER EDUCATION FACILITIES AUTHORITY,**
 4 **HIGHER EDUCATION ASSISTANCE AUTHORITY, OR HIGHER EDUCATION STUDENT**
 5 **LOAN AUTHORITY.**

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~~ **THIS** state in
 11 a clerical or nonpolicy-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~~ **OF AN ENTITY DESCRIBED IN THIS**
 18 **SUBSECTION** performing an essential public purpose and function
 19 under the lease agreement.

20 (12) **EXPENDITURES FOR LOBBYING UNDER SUBSECTION (4) (A) AND (B)**
 21 **DO NOT INCLUDE PERSONAL EXPENDITURES FOR FOOD, TRAVEL, AND BEVERAGE**
 22 **FOR A GROUP OF 25 OR MORE PEOPLE IF THE EXPENDITURES ARE NOT**
 23 **REIMBURSED BY A LOBBYIST OR LOBBYIST AGENT.**

24 Enacting section 1. This amendatory act does not take effect
 25 unless Senate Bill No. 955

26 of the 95th Legislature is enacted into law.