

HOUSE BILL No. 5321

December 5, 1989, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend section 8 of Act No. 472 of the Public Acts of 1978, 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,"

as amended by Act No. 83 of the Public Acts of 1986, being section 4.418 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 472 of the Public Acts of
2 1978, as amended by Act No. 83 of the Public Acts of 1986, being
3 section 4.418 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 8. (1) A lobbyist or a lobbyist agent shall file a
6 signed report in a form prescribed by the secretary of state

1 under this section. A report shall be filed on January 31
2 covering the calendar year ending on the immediately preceding
3 December 31, and on August 31 covering the immediately preceding
4 December 31 to July 31. A report shall be filed by a lobbyist or
5 for the lobbyist by the lobbyist agent who acts on behalf of the
6 lobbyist, and the lobbyist agent who acts on his or her own
7 behalf. A lobbyist or a lobbyist agent may request from the sec-
8 retary of state an extension ~~to the date required~~ OF THE
9 DEADLINE for filing the report for a period not to exceed 60
10 days. The secretary of state shall respond in writing to the
11 request, either approving or disapproving the request, and if
12 approval is granted, the period of the extension, not later than
13 9 days after receipt of the request. A lobbyist or lobbyist
14 agent may file an amended report within 1 year after the date the
15 report is required to be filed, including an extension period.
16 The report shall be on a prescribed form and shall include the
17 following information:

18 (a) A statement updating to the end of the reporting period
19 the information required to be filed under section 7.

20 (b) An account of ~~all~~ expenditures made by a lobbyist,
21 lobbyist agent, or representative of a lobbyist. The expendi-
22 tures shall be reported by category, with the report showing the
23 total amount expended in each category during the preceding
24 reporting period and the cumulative amount expended in each cate-
25 gory for the current year from January 1 through the month cov-
26 ered by the report. Expenditures shall be reported in the
27 following categories:

1 (i) Expenditures for food and beverage provided for public
2 officials as specified in subsection (2).

3 (ii) Advertising and mass mailing expenses directly related
4 to lobbying.

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

12 (c) An account of every financial transaction during the
13 immediately preceding reporting period between the lobbyist or
14 lobbyist agent, or a person acting on behalf of the lobbyist or
15 lobbyist agent, and a public official or a member of the public
16 official's immediate family, or a business with which the indi-
17 vidual is associated in which goods and services having value of
18 at least \$500.00 are involved. The account shall include the
19 date and nature of the transaction, the parties to the transac-
20 tion, and the amount involved in the transaction. This subdivi-
21 sion ~~shall~~ DOES not apply to a financial transaction in the
22 ordinary course of the business of the lobbyist, if the primary
23 business of the lobbyist is other than lobbying, and if consider-
24 ation of equal or greater value is received by the lobbyist.
25 This subdivision ~~shall~~ DOES not apply to a transaction under-
26 taken in the ordinary course of the lobbyist's business, in which
27 fair market value is given or received for a benefit conferred.

1 (d) A brief description of the lobbying activities engaged
2 in during the previous reporting period.

3 (2) Expenditures for food and beverage provided a public
4 official shall be reported if the expenditures for that public
5 official exceed \$25.00 in any month covered by the report or
6 \$150.00 during that calendar year from January 1 through the
7 month covered by the report. The report shall include the name
8 and title or office of the public official and the expenditures
9 on that public official for the months covered by the report and
10 for the year. If more than 1 public official is provided food
11 and beverage and a single check is rendered, the report may
12 reflect the average amount of the check for each public
13 official. If the expenditures are a result of an event at which
14 more than 25 public officials were in attendance, are a result of
15 an event to which an entire standing committee of the legislature
16 ~~has been~~ WAS invited in writing to be informed concerning a
17 bill ~~which has been~~ THAT WAS assigned to that standing commit-
18 tee, or are a result of an event to which an entire caucus of
19 either house of the ~~legislature has been~~ LEGISLATURE WAS
20 invited ~~to~~ in writing, a lobbyist or a lobbyist agent shall
21 report the total amount expended on the public officials in
22 attendance for food and beverage and ~~shall~~ IS not ~~be~~ required
23 to ~~list~~ REPORT THE AMOUNT EXPENDED ON THE PUBLIC OFFICIALS
24 individually. In reporting those amounts, the lobbyist or lobby-
25 ist agent shall file a statement providing a description by cate-
26 gory of the persons in attendance and the nature of each event or
27 function held during the preceding reporting period.

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

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

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

18 (6) The secretary of state shall preserve ~~all~~ statements
19 and reports filed under this act for 5 years after filing. The
20 statements and reports may be ~~microfilmed~~ REPRODUCED PURSUANT
21 TO THE RECORDS MEDIA ACT. After the required preservation
22 period, the statements and reports, other than ~~statements and~~
23 ~~reports~~ THOSE necessary to the completion of an investigation by
24 the attorney general or pertinent to a matter being adjudicated
25 in a court of law, ~~microfilmed or otherwise~~ INCLUDING ANY
26 REPRODUCTIONS, shall be destroyed.

1 Section 2. This amendatory act shall not take effect unless
2 House Bill No. 5013 of the 85th Legislature is enacted into law.