

**Michigan Office of Administrative Hearings and Rules  
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

State

**2. Bureau:**

Elections & Campaign Finance

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Gifts Under the Lobby Act

**5. Rule numbers or rule set range of numbers:**

R 4.501 to 4.521

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

Alessa Boes

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

These rules are intended to codify two interpretive statements issued on August 8, 2024, addressing gifting under the Lobbyists, Lobbying Agents, and Lobbying Activities Act, 1978 PA 472, MCL 4.411 to 4.431. These rules will provide additional explanation about the Act's regulation of gifts from lobbyists and their agents to public officials in order to provide clarity to lobbyists, lobbyist agents, public officials, and the general public.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

MCL 4.426 provides: "The secretary of state shall promulgate rules and issue declaratory rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended."

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

MCL 4.426.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Yes, MCL 4.426 uses the mandatory term "shall," and states that "[t]he secretary of state shall promulgate rules and issue declaratory rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended."

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

The subject matter of the rules is contained in the following:

Interpretive Statement issued on August 8, 2024, to Robert LaBrant

Interpretive Statement issued on August 8, 2024, to Michigan Association of Health Plans

Lobby Manual, revised 01/2023

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

The rules are not listed on the department's annual regulatory plan.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules would not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

Yes, a request from the public to promulgate rules to codify the interpretive statement issued on August 8, 2024 to Robert LaBrant was received. These rules are in response to that request.

Additionally, the rules incorporate some comments received from the public during that interpretive statement process.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

The proposed rules do not amend an existing rule set.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

No because the proposed rules do not amend an existing rule set.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**