

Administrative Rule Analysis



GIFTS UNDER THE LOBBY ACT

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Rule Set No.: 2024-048 ST
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Analysis available at
<http://www.legislature.mi.gov>

Department: Department of State
Agency: Bureau of Elections
Enabling Statute: Lobbyists, Lobbying Agents, and Lobbying Activities Act, 1978 PA 472, MCL 4.411 to 4.431.

Analysis Complete to: 05/05/2025

BACKGROUND AND SUMMARY OF PROPOSED RULES

The proposed rule would codify two interpretive statements issued by the Department of State on August 8, 2024, to clarify its interpretation of limits on gifting provided under the Lobbyists, Lobbying Agents, and Lobbying Activities Act, 1978 PA 472. The interpretive statements came in response to two questions regarding permitted exchanges under the law.

The first question and interpretive statement pertained to the practice of public official reimbursing a lobbyist for the price of a gift in the amount of the difference between the total price and the permitted gift limit. The gift limit is set under section 19a of the Lobbying Agents, and Lobbying Activities Act and is adjusted annually. The gift limit in 2025 is set to \$79. The proposed rule would clarify that such reimbursements are prohibited under the act.

The second question and clarifying interpretive statement the rule would codify pertained to gifts as an “honorarium”, or “a payment of money to a public official as consideration for an appearance, speech, article, or activity related to or associated with the performance of duties as a public official.” The rule would permit a lobbyist to exchange the cost of an honorarium when a public official provides a service at an equal or greater value.

FISCAL IMPACT OF PROPOSED RULES

The rule would have no fiscal impact to the state or to local units of government.

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