

Legislative Analysis



LOBBYING GUIDELINES FOR LEGISLATIVE STAFF

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House Bill 5581 as introduced
Sponsor: Rep. Jimmie Wilson, Jr.
Committee: Ethics and Oversight
Revised 11-15-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5581 would amend 1978 PA 472, known as the lobbyist registration act, to add “a legislative staff” to the definition of *official in the legislative branch* for purposes of the act.¹

This would make them *public officials* under the act,² with the attendant restrictions and other requirements (such as reporting) on gifts and other expenditures made to lobby them that would apply under certain circumstances.

In addition, public officials are generally prohibited from accepting compensation or reimbursement, other than from the state, for personally engaging in lobbying as defined in the act. A violation is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$1,000, or both.

Currently, for purposes of the act, *official in the legislative branch* means a member of the legislature, the auditor general, the deputy auditor general, an employee of the consumers council, the director of the legislative retirement system, or any other employee of the legislature other than an individual employed by the state in a clerical or nonpolicy-making capacity. (As noted above, the bill would add “a legislative staff” to this definition.)

The bill also makes several other changes that appear to be nonsubstantive, such as moving definitions into alphabetical order and making updates to several state agencies in the executive branch (their names, their departmental location, their existence).

MCL 4.415

FISCAL IMPACT:

House Bill 5581 would have an indeterminate fiscal impact on the state and on local units of government. It is unknown if legislative staff would be found to be in violation of provisions of the bill, but if there are violations by legislative staff resulting in misdemeanor charges and/or fines, costs to local units of government would be increased. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local

¹ Pages 4 to 7 of the Lobby Manual have an overview of the lobbyist registration act and lobbying generally:

<https://www.michigan.gov/-/media/Project/Websites/sos/01martin/LobbyManual082911.pdf>

² <https://www.michigan.gov/sos/elections/disclosure/lobby/public-officials-information/about-michigan-lobbyable-public-official>

court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.