

HOUSE BILL NO. 5584

March 14, 2024, Introduced by Reps. Hill, Rheingans, Dievendorf, Coffia, Arbit, Brenda Carter, Hope, Hood, Wegela, Brixie, Paiz, Wilson, MacDonell, Conlin, McKinney, Brabec, Byrnes, Tsernoglou, Farhat, Young, Mentzer, Churches, Koleszar, Price and Aiyash and referred to the Committee on Ethics and Oversight.

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 4 (MCL 4.414), as amended by 2008 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Gift" means a payment, advance, forbearance, or
2 the rendering or deposit of money, services, or anything of value,
3 ~~the value of which exceeds \$25.00, as adjusted under section 19a,~~

1 ~~in any 1-month period,~~ unless consideration of equal or greater
 2 value is received therefor. **for the payment, advance, forbearance,**
 3 **or the rendering or deposit of money, services, or anything of**
 4 **value.** Gift includes a payment, advance, forbearance, or the
 5 rendering or deposit of money, services, or anything of value to
 6 aid the defense of an official in the legislative branch or an
 7 official in the executive branch against a legal action not
 8 directly related to the governmental duties of the official. Gift
 9 does not include **any of** the following:

10 (a) A campaign contribution otherwise reported as required by
 11 the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
 12 169.282.

13 (b) A loan made in the normal course of business by an
 14 institution as **that term is** defined in ~~chapter 1~~ **section 1202** of
 15 the banking code of 1999, 1999 PA 276, ~~MCL 487.11101 to 487.11203,~~
 16 **MCL 487.11202**, a national bank, a branch bank, an insurance company
 17 issuing a loan or receiving a mortgage in the normal course of
 18 business, a premium finance company, a mortgage company, a small
 19 loan company, a state or federal credit union, a savings and loan
 20 association chartered by this state or the federal government, or a
 21 licensee as **that term is** defined ~~by~~ **in section 2 of** the motor
 22 vehicle sales finance act, 1950 (Ex Sess) PA 27, ~~MCL 492.101 to~~
 23 ~~492.141.~~ **MCL 492.102.**

24 (c) A gift received from a member of the ~~person's~~ **individual's**
 25 immediate family, a relative of a spouse, a relative within the
 26 seventh degree of consanguinity as computed by the civil law
 27 method, or from the spouse of the relative.

28 (d) A breakfast, luncheon, dinner, or other refreshment
 29 consisting of food and beverage provided for immediate consumption.

1 (e) A contribution to a legal defense fund that is registered
2 with the secretary of state under the legal defense fund act, **2008**
3 **PA 288, MCL 15.521 to 15.539**, and ~~whose~~**the purpose of which** is to
4 defend an elected official against any criminal, civil, or
5 administrative action, that arises directly out of the conduct of
6 the elected official's governmental duties.

7 (f) **Except as otherwise provided under this subdivision,**
8 **anything of value that is so de minimis that its receipt by the**
9 **elected official could not reasonably be expected to influence how**
10 **the public official performs work or makes decisions, including**
11 **attendance at a conference, a training session, or another meeting**
12 **if attendance is primarily for the benefit of this state and the**
13 **expenses incurred by the elected official would be reimbursable**
14 **items under the applicable travel regulations or other policies.**
15 **Except for the properly reimbursable expenses described in this**
16 **subdivision, anything of value that is so de minimis as described**
17 **under this subdivision may not exceed any of the following limits:**

18 (i) **A single tangible or intangible item with a fair market**
19 **value that exceeds \$20.00.**

20 (ii) **A combination of tangible and intangible items during any**
21 **3-month period with an aggregate fair market value exceeding**
22 **\$80.00.**

23 (2) "Immediate family" means a child residing in an
24 individual's household, a spouse of an individual, or an individual
25 claimed by that individual or that individual's spouse as a
26 dependent for federal income tax purposes.

27 (3) "Loan" means a transfer of money, property, or anything of
28 ascertainable value in exchange for an obligation, conditional or
29 not, to repay in whole or in part.