

**SUBSTITUTE FOR
HOUSE BILL NO. 6180**

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 8 (MCL 4.418), as amended by 1994 PA 412.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) A lobbyist or a lobbyist agent shall file a signed
2 report in a form prescribed by the secretary of state under this
3 section. ~~A-Except as otherwise provided in this subsection, a~~
4 report ~~shall must~~ be filed on ~~January 31-February 28~~ covering the
5 ~~calendar year ending on the immediately preceding December 31,~~
6 **August 31 to January 31**, and on ~~August 31-September 30~~ covering the



1 immediately preceding ~~December 31~~ **January 31** to ~~July 31~~ **August 31**.
2 **For the report to be filed on February 28, 2021, the report must**
3 **cover the immediately preceding August 1 to January 31.** A report
4 ~~shall~~ **must** be filed by a lobbyist or for the lobbyist by the
5 lobbyist agent who acts on behalf of the lobbyist, and the lobbyist
6 agent who acts on his or her own behalf. A lobbyist or a lobbyist
7 agent may request from the secretary of state an extension of the
8 deadline for filing the report for a period **that does** not ~~to~~ exceed
9 60 days. The secretary of state shall respond in writing to the
10 request, either approving or disapproving the request, and if
11 approval is granted, the period of the extension, ~~not later than~~
12 **within** 9 days after receipt of the request. A lobbyist or lobbyist
13 agent may file an amended report within 1 year after the date the
14 report is required to be filed, including an extension period. The
15 report ~~shall~~ **must** be on a ~~prescribed~~ form **prescribed by the**
16 **secretary of state** and ~~shall~~ **must** include the following
17 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 expenditures made by a lobbyist, lobbyist
21 agent, or representative of a lobbyist. The expenditures ~~shall~~ **must**
22 be reported by category, with the report showing the total amount
23 expended in each category during the preceding reporting period and
24 the cumulative amount expended in each category for the current
25 year from January 1 through the **last month of the reporting period**
26 covered by the report. Expenditures ~~shall~~ **must** be reported in the
27 following categories:

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



1 (ii) Advertising and mass mailing expenses directly related to
2 lobbying.

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

10 (c) An account of every financial transaction during the
11 immediately preceding reporting period between the lobbyist or
12 lobbyist agent, or a person acting on behalf of the lobbyist or
13 lobbyist agent, and a public official or a member of the public
14 official's immediate family, or a business with which the
15 individual is associated, in which goods and services having value
16 of at least \$775.00, or travel and lodging expenses paid for or
17 reimbursed to a public official in connection with public business
18 by that public official in excess of \$500.00, are involved. The
19 account ~~shall~~**must** include the date and nature of the transaction,
20 the parties to the transaction, and the amount involved in the
21 transaction. This subdivision does not apply to **any of** the
22 following:

23 (i) A financial transaction in the ordinary course of the
24 business of the lobbyist, if the primary business of the lobbyist
25 is other than lobbying, and if consideration of equal or greater
26 value is received by the lobbyist.

27 (ii) A financial transaction undertaken in the ordinary course
28 of the lobbyist's business, in which fair market value is given or
29 received for a benefit conferred.



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

3 (e) ~~In the case of~~ **For** travel and lodging expenses described
4 in subdivision (c), the lobbyist or lobbyist agent shall prepare a
5 separate document detailing the expenditure required to be
6 reported. The lobbyist or lobbyist agent shall send, simultaneously
7 with the filing of the report to the secretary of state, a copy of
8 the document to the affected legislator.

9 (2) Expenditures for food and beverage provided **to** a public
10 official ~~shall~~ **must** be reported if the expenditures for that public
11 official exceed \$25.00 in any month covered by the report or
12 \$150.00 during that calendar year from January 1 through the **last**
13 month **of the reporting period** covered by the report. The report
14 ~~shall~~ **must** include the name and title or office of the public
15 official and the expenditures on that public official for the
16 months covered by the report and for the year. If more than 1
17 public official is provided food and beverage and a single check is
18 rendered, the report may reflect the average amount of the check
19 for each public official. If the expenditures are a result of an
20 event at which more than 25 public officials were in attendance,
21 are a result of an event to which an entire standing committee of
22 the legislature was invited in writing to be informed concerning a
23 bill that was assigned to that standing committee, or are a result
24 of an event to which an entire caucus of either house of the
25 legislature was invited in writing, a lobbyist or a lobbyist agent
26 shall report the total amount expended on the public officials in
27 attendance for food and beverage and is not required to report the
28 amount expended on the public officials individually. In reporting
29 those amounts, the lobbyist or lobbyist agent shall file a



1 statement providing a description by category of the persons in
 2 attendance and the nature of each event or function held during the
 3 preceding reporting period.

4 (3) A person who, without good cause, fails to report under
 5 subsection (1) shall pay a late filing fee of \$10.00 for each day
 6 the report remains ~~not filed~~ **unfiled** in violation of subsection
 7 (1), not to exceed \$300.00. A person who without good cause is in
 8 violation of subsection (1) more than 30 days is guilty of a
 9 misdemeanor ~~—~~ punishable by a fine of not more than \$1,000.00.

10 (4) If a lobbyist agent employs another lobbyist agent to
 11 engage in lobbying, the **employer lobbyist agent shall report the**
 12 activities of the employee lobbyist agent ~~shall be reported by the~~
 13 ~~employer lobbyist agent~~ under this section.

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

21 (6) The secretary of state shall preserve statements and
 22 reports filed under this act for 5 years after **the date of** filing.
 23 The **secretary of state may reproduce the** statements and reports ~~may~~
 24 ~~be reproduced pursuant to~~ **under** the records ~~media~~ **reproduction** act,
 25 **1992 PA 116, MCL 24.401 to 24.406**. After the required preservation
 26 period, **the secretary of state shall destroy** the statements and
 27 reports, or the reproductions of the statements and reports, other
 28 than those necessary to complete an investigation by the attorney
 29 general or pertinent to a matter being adjudicated in a court of



1 law. ~~, shall be destroyed.~~

