

HOUSE BILL NO. 4692

April 21, 2021, Introduced by Reps. Scott and Fink and referred to the Committee on Elections and Ethics.

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 11 (MCL 4.421).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) A person shall not ~~be employed~~**act** as a lobbyist
2 agent for compensation contingent in any manner upon the outcome of
3 an administrative or legislative action. A person who knowingly

1 violates this subsection is guilty of a felony ~~and punishable by,~~
 2 if the person is an individual, ~~shall be punished by imprisonment~~
 3 **for not more than 3 years or** a fine of not more than \$10,000.00, ~~or~~
 4 ~~imprisoned for not more than 3 years, or both, and or,~~ if the
 5 person is ~~either than not~~ an individual, ~~shall be punished by a fine~~
 6 of not more than \$25,000.00.

7 (2) A lobbyist or lobbyist agent or anyone acting on behalf of
 8 a lobbyist or lobbyist agent shall not give a gift or loan, other
 9 than a loan made in the normal course of business by ~~an a financial~~
 10 **institution. As used in this subsection, financial institution**
 11 **means an institution** as defined in section ~~5-1202 of Act No. 319 of~~
 12 ~~the Public Acts of 1969, as amended, the banking code of 1999, 1999~~
 13 **PA 276, MCL 487.11202,** a national bank, a branch bank, an insurance
 14 company issuing a loan or receiving a mortgage in the normal course
 15 of business, a premium finance company, a mortgage company, a small
 16 loan company, a state or federal credit union, a savings and loan
 17 association chartered by this state or the federal government, or a
 18 licensee as defined by ~~Act No. 27 of the Public Acts of the Extra~~
 19 ~~Session of 1950, as amended. For the purpose of this section, in~~
 20 **section 2 of the motor vehicle sales finance act, 1950 (Ex Sess) PA**
 21 **27, MCL 492.102. A financial institution shall not give a**
 22 preferential interest rate ~~shall not be given solely on the basis~~
 23 ~~of because~~ the credit applicant ~~being is~~ a public official or a
 24 member of the public official's immediate family. A person who
 25 gives a gift **with a value of \$3,000.00 or less** in violation of this
 26 subsection is guilty of a misdemeanor **punishable by,** if the value
 27 ~~of the gift is \$3,000.00 or less, and shall be punished by person~~
 28 **is an individual, imprisonment for not more than 90 days or** a fine
 29 of not more than ~~\$5,000.00, \$7,500.00 or imprisoned for not more~~

1 ~~than 90 days, or both, and or,~~ if the person is ~~other than~~ **not** an
 2 individual, ~~the person shall be fined a fine of~~ not more than
 3 \$10,000.00. **In addition, a person who gives a gift with a value of**
 4 **\$3,000.00 or less in violation of this subsection may be ordered to**
 5 **pay a civil fine of not more than \$2,000.00 for each violation.** A
 6 person who knowingly gives a gift **with a value of more than**
 7 **\$3,000.00** in violation of this subsection ~~and the value of the gift~~
 8 ~~is more than \$3,000.00~~ is guilty of a felony and **punishable by,** if
 9 the person is an individual, ~~shall be punished~~ **imprisonment for not**
 10 **more than 3 years or** ~~by a fine of not more than \$10,000.00, or~~
 11 ~~imprisoned for not more than 3 years, or both, and or,~~ if the
 12 person is ~~other than~~ **not** an individual, ~~shall be punished by a fine~~
 13 of not more than \$25,000.00.

14 (3) Information copied from registration forms or activity
 15 reports required by this act or from lists compiled from the forms
 16 or reports may not be sold or utilized by any person for any
 17 commercial purpose. A person who violates this subsection is
 18 subject to a civil ~~penalty~~ **fine** of not more than \$1,000.00.

19 (4) A public official, other than an individual who is
 20 appointed or elected to a board or commission and is not an ex
 21 officio member or prohibited by law from having other employment,
 22 shall not accept compensation or reimbursement, other than from the
 23 state, for personally engaging in lobbying. A person who violates
 24 this subsection is guilty of a misdemeanor ~~and shall be punished~~
 25 **punishable by imprisonment for not more than 90 days or** a fine of
 26 not more than \$1,000.00, ~~or imprisoned for not more than 90 days,~~
 27 or both.

28 Enacting section 1. This amendatory act takes effect January
 29 1, 2022.