

Legislative Analysis



ONE-YEAR BAN ON CERTAIN LOBBYING ACTIVITIES

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<http://www.house.mi.gov/hfa>

House Bill 5586 as introduced
Sponsor: Rep. Kara Hope
Committee: Ethics and Oversight
Complete to 4-17-24

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

SUMMARY:

House Bill 5586 would amend 1978 PA 472, known as the lobbyist registration act, to prohibit the governor, lieutenant governor, attorney general, secretary of state, or a state senator or representative from engaging in certain lobbying activities for one year after the last date of their term of office. However, this prohibition would not apply if, within that time period, the person does any lobbying on behalf of the state or for the office of the governor, lieutenant governor, attorney general, or secretary of state. A violation would be a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$10,000, or both.

Prohibition

Under the bill, for one year after the date the term of office ends, the following individuals could not make expenditures for, receive compensation for, or receive reimbursement for actual expenses for *lobbying* that equal or exceed the limit requiring registration under the act as a lobbyist agent:¹

- The governor.
- The lieutenant governor.
- The attorney general.
- The secretary of state.
- A former member of the state House of Representatives.
- A former member of the state Senate.

Lobbying means communicating directly with an official in the executive or legislative branch of state government for the purpose of influencing legislative or administrative action. Lobbying does not include the provision of technical information (empirically verifiable data provided by a person recognized as an expert in the subject area to which the information provided is related) by a person other than a lobbyist agent or an employee of a lobbyist agent when appearing before an officially convened legislative committee or executive department hearing panel.²

Exemption

If, within one year after the term of office ends, the individual either makes expenditures for, receives compensation for, or receives reimbursement for actual expenses for lobbying on behalf of the state of Michigan or makes expenditures for, receives compensation for, or

¹ This threshold amount is currently \$775 during any 12-month period. See <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Lobby-Memos/Lobby-Thresholds.pdf>

² Several terms used in this definition have their own specialized definitions under the act (e.g., “official in the legislative branch,” “official in the executive branch,” “influencing,” “legislative action,” “administrative action”). <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-472-of-1978.pdf>

receives reimbursement for actual expenses for lobbying for the office of the governor, the office of the lieutenant governor, the office of the attorney general, or the office of the secretary of state, then the above prohibition would not apply.

Penalty

An individual who violates the above prohibition would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$10,000, or both.

MCL 4.416a and proposed MCL 4.416a

FISCAL IMPACT:

House Bill 5586 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails 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 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.