

MICHIGAN DEPARTMENT OF STATE
RICHARD H. AUSTIN SECRETARY OF STATE



LANSING

MICHIGAN 48918

March 1, 1984

George N. Holcomb
Assistant to the President
Ferris State College
Big Rapids, MI 49307

Dear Mr. Holcomb:

This is in response to your inquiry concerning applicability of the lobby act (the "Act"), 1978 PA 472, to members of the Ferris State College Board of Control. Specifically, you ask for confirmation of your "understanding that members of the Ferris State College Board of Control are state public officials and, therefore, are exempt from becoming a lobbyist or a lobbyist agent under the terms of the Act." You also ask how Ferris State College is affected by board members' lobbying activities.

Attached is a letter to Mr. Kenneth F. Light, dated January 24, 1984, relating to colleges and college officials. As that letter explains, members of college and university boards of control, other than the boards of the University of Michigan, Michigan State University and Wayne State University, are appointed by the governor. Section 5(7)(c)(v) of the Act (MCL 4.415) specifically states that appointed members of state level boards or commissions are not excluded from the definitions of "lobbyist" and "lobbyist agent." Consequently, members of the Ferris State College Board of Control who receive compensation or reimbursement in excess of \$250 in a 12-month period for lobbying (excluding travel expenses) must register with the Department of State as lobbyist agents.

Ferris State College, on the other hand, is required to register as a lobbyist if, in any 12-month period, it expends more than \$1,000 for lobbying or more than \$250 on lobbying a single public official. These monetary thresholds are calculated pursuant to rule 21, 1981 AACS R4.421, which states:

"Rule 21. For the purpose of determining whether a person's expenditures for lobbying are more than \$1,000.00 in value in any 12-month period, or are more than \$250.00 in value in any 12-month period if expended on lobbying a single public official, the following expenditures shall be combined:

- (a) Expenditures made on behalf of a public official for the purpose of influencing legislative or administrative action.

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- (b) Expenditures, other than travel expenses, incurred at the request or suggestion of a lobbyist agent or member of a lobbyist, or furnished for the assistance or use of a lobbyist agent or member of a lobbyist while engaged in lobbying.
- (c) The compensation paid or payable to lobbyist agents, employees of the lobbyist, and members of a lobbyist for that portion of their time devoted to lobbying."

Thus, if Ferris State College compensates or reimburses members of the Board of Control, employees of the college (other than the President), or other lobbyist agents (such as a multi-client lobbying firm) in a combined amount of more than \$1,000 for lobbying or more than \$250 on lobbying a single official, the college must register as a lobbyist and file periodic reports detailing its lobbying expenditures as required by the Act.

This response is informational only and does not constitute a declaratory ruling.

Sincerely,



Phillip T. Frangos, Director
Office of Hearings and Legislation

PTF/jep