

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

April 24, 1984

John Thodis  
Michigan Manufacturers Association  
124 E. Kalamazoo Street  
Lansing, Michigan 48933

Dear Mr. Thodis:

This is in response to your request for an interpretation of the lobby act (the "Act"), 1978 PA 472. Specifically, you indicate you have registered as a lobbyist agent for Michigan Manufacturers Association. You also are a member of several boards or commissions which compensate or reimburse you for lobbying. You ask whether you are required to file separate registration forms upon receiving more than \$250 in compensation or reimbursement for lobbying from the boards and commissions.

"Lobbyist agent" is defined in section 5(5) of the Act (MCL 4.415) as "a person who receives compensation or reimbursement of actual expenses, or both, in a combined amount in excess of \$250.00 in any 12-month period for lobbying." The \$250 threshold is calculated pursuant to rule 22, 1981 AACRS R4.422, which states:

"Rule 22. For the purpose of determining whether a person receives compensation or reimbursement for actual expenses, or both, in a combined amount in excess of \$250.00 in any 12-month period for lobbying, the following compensation and reimbursement shall be combined:

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

(b) Reimbursement for expenditures, other than travel expenses, made to influence legislative or administrative action.

(c) Compensation received for that portion of time devoted to lobbying."

This rule indicates that compensation or reimbursement received from any source must be combined to determine whether the \$250 threshold has been met. The rule does not allow a potential lobbyist agent to make separate calculations for each person who pays or reimburses the agent for lobbying. Thus, rule 22 suggests

that a person who qualifies as a lobbyist agent is required to file a single registration form, regardless of the number of persons who compensate or reimburse the agent for lobbying.

The legislative intent expressed in section 7(2) of the Act (MCL 4.417) further indicates that a lobbyist agent is required to register only once. Section 7(2) originally was enacted to read as follows:

"Sec. 7 (2) Not later than 3 days after becoming a lobbyist agent, a lobbyist agent shall file a registration form with the secretary of state. The registration form shall contain the following information:

(a) The name and office address of the lobbyist agent, if the lobbyist agent is not an individual.

(b) The name, permanent residence address, and office address of the lobbyist agent, if the lobbyist agent is an individual.

(c) The name and address of each person employed, reimbursed for expenses which exceed \$10.00, or compensated by the lobbyist agent for lobbying in this state.

(d) The name, address, and nature of business of a person who gives compensation to or reimburses the lobbyist agent or the representative of a lobbyist agent for lobbying."

In Pletz v Secretary of State, 125 Mich App 335 (1983), the Court of Appeals held that subsection (d) of this section unconstitutionally infringed upon a lobbyist agent's free association rights. While striking down this subsection, the Court noted:

"With this result, registrants would have to abide by the registration requirements of the act but would not have to reveal the names, addresses, and business information about persons (which, under the definitions of the act, includes partnerships, businesses and individuals) who give compensation to or reimburse lobbyist or lobbyist agents. . . . (W)e believe that this holding of unconstitutionality is separate from the act as a whole." 125 Mich App at 364.

Section 7(2), read as a whole, clearly indicates the legislature intended a lobbyist agent to file one registration form. The fact that the agent received compensation or reimbursement for lobbying from more than one source have been disclosed on the face of the document.

Although section 7(2)(d) has been declared invalid, it is still possible to identify those persons who compensate or reimburse a particular lobbyist agent for lobbying. Section 7(1)(b) requires lobbyists to disclose the identity of each person employed, reimbursed or compensated for lobbying. Therefore, the disclosure promoted by section 7(2)(d) remains available.

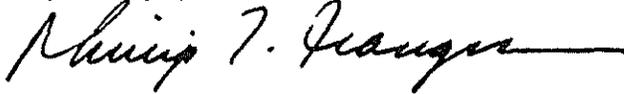
As the Court of Appeals explained, the determination that section 7(2)(d) is unconstitutional has no effect upon the Act's registration and reporting

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requirements. Thus, in answer to your question, a person who is registered as a lobbyist agent is not required to file a separate registration form upon receiving more than \$250 in compensation or reimbursement for lobbying from another source.

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

Very truly yours,

A handwritten signature in cursive script that reads "Phillip T. Frangos". The signature is written in black ink and includes a horizontal line at the end.

Phillip T. Frangos  
Director  
Office of Hearings and Legislation

PTF/cw