

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



7-84-LD

LANSING

MICHIGAN 48918

April 30, 1984

Mr. John M. Amberger
Executive Director
Southeast Michigan Council of Governments
800 Book Building
Detroit, Michigan 48226

Dear Mr. Amberger:

This is in response to your request for a declaratory ruling concerning the applicability of the lobby act (the "Act"), 1978 PA 472, to the activities of the Southeast Michigan Council of Governments (SEMCOG). Your specific question is:

"Does SEMCOG, a voluntary organization whose membership is comprised of 100% local elected officials designated by their individual units of government, come under the Act's jurisdiction or is it exempt?"

The Act has no provision which exempts an organization such as SEMCOG. Section 7 of the Act (MCL 4.417) exempts certain persons from becoming a lobbyist or lobbyist agent and includes in 7(b):

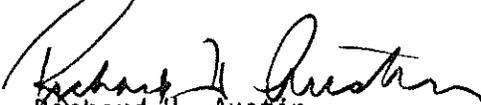
"All elected or appointed public officials of state or local government who are acting in the course or scope of the office for no compensation other than that provided by law for the office."

Clearly SEMCOG is not an "elected or appointed public official," but "an association, committee or any other organization or group of persons acting jointly" which meets the definition of "person" under section 6(1) of the Act (MCL 4.416(1)). Consequently, SEMCOG becomes a lobbyist if it engages in lobbying and meets the expenditure threshold of the Act. The section 7(b) exemption applies only to each individual elected official. The exemption does not apply to the local governmental entity served by the elected official or to any group of which the elected official is a member.

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This response is a declaratory ruling relating to the facts and questions you have presented.

Very truly yours,


Richard H. Austin
Secretary of State

RHA/cw