

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

STATE TREASURY BUILDING



15-84-LI

LANSING  
MICHIGAN 48918

March 8, 1984

Mr. John M. La Rose, Chairman  
Michigan Townships Association  
3121 W. Saginaw Street  
Lansing, Michigan 48917

Dear Mr. La Rose:

This is in response to your two inquiries concerning the applicability of the lobby act (the "Act"), 1978 PA 472, to the Michigan Townships Association.

In your January 10, 1984, letter you ask:

"In what instances would an elected or appointed township official or employee fail to be exempt from the Lobby Registration Act?"

Attached you will find a letter dated January 13, 1984, to Mr. Don M. Schmidt, which answers similar concerns relating to city officials. Under the Act there is no difference between city and township officials and employees. Also relevant to your question is the attached letter to Hannes Meyer, Jr., dated February 3, 1984. In summary, these letters indicate elected township officials (acting in the course of their offices and not compensated other than as officials) are exempt from the Act as are appointed officials who serve in autonomous, policymaking positions.

Elected township officials are not exempt when acting outside the scope of their offices or when compensated beyond the compensation provided by law for their offices. Appointed township officials are exempt only if they serve in autonomous, policymaking capacities and not under the direction or control of the elected township board.

In your December 22, 1983, letter you state:

"We would like an opinion on whether the Michigan Council on Intergovernmental Relations must register as a lobbyist. Although we communicate with public officials, the communication is financed by the four associations which belong to MCIR (Michigan Townships Association, Michigan Municipal League, Michigan Association of

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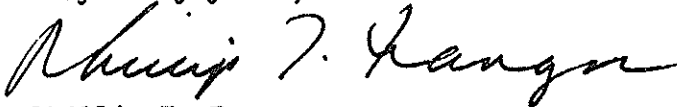
Counties, and Michigan Association of Regions). MCIR writes to legislators and other public officials and conducts an annual legislative reception, but it has no authority to expend funds for lobbying purposes."

Like any other person, MCIR must register as a lobbyist if it expends more than \$1,000.00 for lobbying in a twelve month period or more than \$250.00 for lobbying a single public official in a twelve month period. Expenditures made writing to Legislators and other public officials for the purpose of influencing legislative or administrative action are counted toward these thresholds.

An annual legislative reception was discussed in a declaratory ruling issued to Mr. S. Don Potter on February 7, 1984. A copy is attached. While you did not give any facts regarding MCIR's reception, this declaratory ruling should provide some guidance for you.

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

Very truly yours,



Phillip T. Frangos  
Director  
Office of Hearings and Legislation

PTF/cw

Enc.