

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE
STATE TREASURY BUILDING



23-84-LI

LANSING
MICHIGAN 48918

May 8, 1984

Frank H. Stevens
Michigan Association of Private
Campground Owners
P.O. Box 201
Novi, Michigan 48050

Dear Mr. Stevens:

This is in response to your inquiry concerning applicability of the lobby act (the Act), 1978 PA 472, to the Michigan Association of Private Campground Owners (MAPCO).

You state that MAPCO is a group of private campground owners organized to promote family camping. You further indicate:

"The officers, directors, and members sometimes have reason to contact various State departments and/or legislators while striving toward our goals, and often we are consulted by State personnel. Because our members are scattered throughout the state, any reporting requirement would be a hardship and a laborious task to assemble and transmit the necessary information."

To avoid this inconvenience, you ask that the State of Michigan waive the Act's registration and reporting requirements whenever MAPCO members communicate with state legislators.

There is nothing in the Act or rules which authorizes the Department of State or any other agency to grant waivers to persons affected by the Act. Consequently, MAPCO must register with the Department and file periodic disclosure reports if MAPCO is a lobbyist as that term is used in the Act.

Pursuant to section 5(4) of the Act (MCL 4.415), an organization is 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. "Lobbying" is defined in section 5(2) as "communicating directly with an official in the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action."

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The \$1,000 and \$250 thresholds established in section 5(4) are calculated pursuant to rule 21, 1981 AACS R4.421, which provides:

"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.

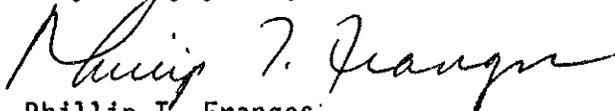
(b) Expenditures, other than travel expenses, incurred at the request or suggestion of a lobbyist agent or member of a lobbyist, or furnished for the assistance or use of a lobbyist agent or member of a lobbyist while engaged in lobbying.

(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."

The above provisions indicate that MAPCO is subject to the Act's registration and reporting requirements if its expenditures for lobbying, including compensation or reimbursement paid to its members, exceed \$1,000 or \$250 on lobbying a single public official in a 12 month period. However, MAPCO is not obligated to keep records or file reports relating to communications undertaken by its officers, directors or members for which no compensation or reimbursement is paid.

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