

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

January 31, 1984

James S. Mickelson, ACSW
 Executive Director
 Michigan Association of Children's Alliances
 P.O. Box 20247, Suite 739
 111 S. Capitol Avenue
 Lansing, Michigan 48901

Dear Mr. Mickelson:

This is in response to your request for "clarification of the Lobbyist Registration Act," 1978 PA 472 (the "Act"). You indicate that "Regulations point out that no gift valued at \$25.00 or more can be given to a legislator or public policy making official." You state it is customary for your Association to present a "Legislator of the Year Award" to a legislator whom you feel has done outstanding work in legislation which pertains to children and families. You indicate that this award has in the past consisted of "recognition . . . through (your) newsletter and . . . a plaque (for which you paid) . . . \$35-\$40." The plaque contains a statement that the legislator has received the "Legislator of the Year" award. You wonder if such plaque is a "gift" or whether the practice may continue after the implementation of the Act.

"Gift" is defined in section 4 of the Act (MCL 4.414) as:

" . . . a payment, advance, forbearance, or the rendering or deposit of money, services, or anything of value, the value of which exceeds \$25.00 in any 1-month period, unless consideration of equal or greater value is received therefor"

A number of exclusions from this definition may be found at section 4(1)(a) - (e), but are not helpful in resolving the question you present.

Clearly the definition of "gift" as used in the Act contemplates that the particular item have an intrinsic value in and of itself. The type of plaque you describe is a symbolic citation or award based upon merit as determined by your

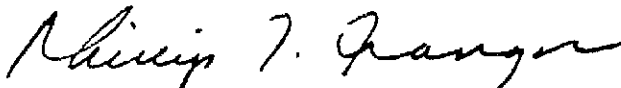
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organization. Clearly it was not the intent of the Act to discourage symbolic recognition of commendable public service. Therefore, while the plaque you describe may have cost more than \$25.00, its intrinsic value is substantially less, and therefore it is the department's belief that awards should not be classified as gifts unless the intrinsic or actual value is \$25.00 or more.

One possible test could be the value of the plaque in the open market, i.e., could the recipient sell it for more than \$25.00? The type of plaque you describe, although costing more than \$25.00, could most likely not be sold for more than \$25.00 and, therefore, is not a gift. Should a "plaque" consist of an item with intrinsic value clearly greater than \$25.00, the item will be considered as being a gift, the donation of which is prohibited by section 11(2) of the Act.

The above is not a declaratory ruling because no such ruling was requested.

Very truly yours,



Phillip T. Frangos
Director
Office of Hearings and Legislation

PTF/cw