

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE
STATE TREASURY BUILDING



LANSING
MICHIGAN 48918

July 13, 1984

Robert G. Berning
Executive Director
Capital Area United Way
300 N. Washington Square, Suite 201
Lansing, Michigan 48933-1285

Dear Mr. Berning:

This is in response to your letter to Secretary of State Richard H. Austin requesting an opinion regarding the lobby act, 1978 PA 472, (the "Act").

The first of your two questions is whether the Act has "any implications for the normal conduct of the annual campaign on behalf of the United Way among State employees?"

Without further information it is impossible for this Department to respond to the question. I have enclosed a copy of the Act and Rules and a general overview which outlines the Act's requirements. These publications should be of assistance in answering your questions about the Act.

Your second question is set forth as follows:

"Second, would provisions of the Act apply should we become involved in potential future deliberations of the Administrative Board regarding the policy which allow payroll deduction and authorizes the United Way campaign among State employees?"

The Act differs from previous lobby statutes in that it covers lobbying of the executive branch of government. The enclosed overview covers the basics of these requirements.

The members of the State Administrative Board are public officials. Direct communications made for the purpose of influencing administrative action by the Board is lobbying.

"Administrative action" is defined in section 2(1) of the Act (MCL 4.412) as follows:

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"Sec. 2. (1) 'Administrative action' means the proposal, drafting, development, consideration, amendment, enactment, or defeat of a non-ministerial action or rule by an executive agency or an official in the executive branch of state government. Administrative action does not include a quasi-judicial determination as authorized by law."

"Nonministerial action" is also defined in the Act in section 6(3), (MCL 4.416):

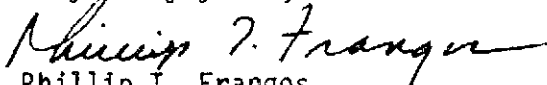
(3) 'Nonministerial action' means an action other than an action which a person performs in a prescribed manner under prescribed circumstances in obedience to the mandate of legal authority, without the exercise of personal judgment regarding whether to take the action."

You should keep in mind that the obligation to register and report arises when a lobbyist has expended \$1,000.00 or more or a lobbyist agent has been paid \$250.00 or more, in the course of engaging in lobbying.

You should carefully review the enclosed materials. This Department will, of course, be available to help you with specific questions regarding the Act's applicability to your activities.

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.