

## MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

of personnel have consistently advised state agencies that they do not have the authority to direct the activities of state employees who are not necessarily included in the Act. The Michigan Department of State has been advised by the Michigan Department of State that it is not possible to provide information with respect to the activities of state employees who are not included in the Act. The Michigan Department of State has been advised by the Michigan Department of State that it is not possible to provide information with respect to the activities of state employees who are not included in the Act.

However, when an executive branch employee attempts to influence legislative action by directly communicating with a public official, the Michigan Department of State has been advised by the Michigan Department of State that it is not possible to provide information with respect to the activities of state employees who are not included in the Act. The Michigan Department of State has been advised by the Michigan Department of State that it is not possible to provide information with respect to the activities of state employees who are not included in the Act.

June 7, 1984

Representative Robert D. McGee  
 State Representative  
 24th District  
 State Capitol  
 Lansing, Michigan 48909

Dear Representative McGee:

This is in response to your request for a ruling pursuant to the lobby act, 1978 PA 472, (the "Act"). The concern you express in your letter relates to state employees who have refused to provide you with information citing the existence of the lobby act as their reason for being unable to assist you.

The Act regulates lobbying which is defined in section 5(2) (MCL 4.415) as follows:

"(2) 'Lobbying' means 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. Lobbying does not include the providing of technical information by a person other than a person as defined in subsection (5) or an employee of a person as defined in subsection (5) when appearing before an officially convened legislative committee or executive department hearing panel. As used in this subsection, 'technical information' means empirically verifiable data provided by a person recognized as an expert in the subject area to which the information provided is related."

The definition of the term influencing used in the act is set forth in section 5(3):

"(3) 'Influencing' means promoting, supporting, affecting, modifying, opposing or delaying by any means, including the providing of or use of information, statutes, studies, or analysis."

State executive branch employees are specifically brought within the scope of the Act by section 5(7). However, it is also true that not every communication between a covered individual and a public official is lobbying.

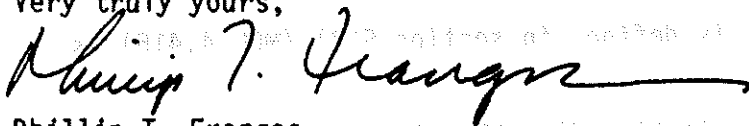
Department personnel have consistently advised state agencies that responses to legislative inquiries are not necessarily included in the Act's coverage. One of the functions of state agencies is to provide information with respect to the requirements and operations of government programs. The lobby act has not changed this.

However, when an executive branch employee attempts to influence legislative action by directly communicating with a public official any expenditure made for that communication is a lobbying expenditure. In addition, it should be noted that some agencies have instructed their employees to channel legislative contacts through a central office.

The Department of State lacks the authority to direct the activities of other state agencies. This Department has centralized its lobbying efforts to insure that legislative contacts reflect the views of the Secretary of State. On the other hand, employees of the Department of State have been instructed to provide legislators with requested information and to respond to questions regarding procedures utilized in implementing the various laws administered by the Department.

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