

RICHARD H. AUSTIN • SECRETARY OF STATE
STATE TREASURY BUILDING



LANSING
MICHIGAN 48918

April 16, 1985

Mr. Roy Smith
7768 Munger Road
Ypsilanti, Michigan 48197

Dear Mr. Smith:

This is in response to your request for a declaratory ruling with respect to whether the lobby act, 1978 PA 472 (the Act), precludes you from lobbying on behalf of E.R.I.M., a non-profit corporation.

In your letter the issues of concern are set forth as follows:

"I have been approached by E.R.I.M., a scientific non-profit corporation, to assist said agency in securing clarifying legislation defining its tax exempt status.

Because I find confusion in the law I am asking for a declaratory ruling on the following issues:

1. As an elected member of the Washtenaw County Board of Commissioners, would I come under one of the exceptions in Section 11 of the statute in that this is neither a full-time position nor am I prohibited from taking outside employment.
2. Because Washtenaw County could benefit in tax revenues if E.R.I.M. were placed on the tax roll, would my assisting them in attaining clarification legislation, the end result of which would be to exempt them from taxation, be considered a conflict of interest?
3. Are there any other rules or regulations promulgated by the Secretary of State which would prohibit me from registering as a lobbyist for the above named corporation?"

The Act sets forth a comprehensive definition of lobbying in section 5(2) (MCL 4.415) which includes direct communications with public officials aimed at influencing legislative or administrative action. However, the only persons who

are required to register and report are those who lobby for compensation or reimbursement.

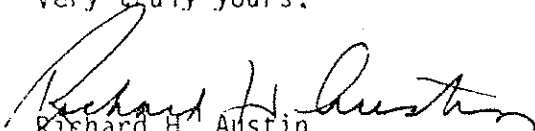
In a telephone conversation subsequent to your letter you indicated to one of my staff that you do not receive any compensation or reimbursement for the lobbying activities described in your letter. The prohibitions of section 11 likewise apply to those who lobby for compensation or reimbursement. In short the Act does not apply to those individuals who do not spend or receive money to engage in lobbying.

The second issue you raise is outside the scope of the Act. Conflicts of interest are not regulated by the Department of State. For advice on this issue you should contact your county's corporation counsel or your own private attorney.

Your third concern is whether the Department of State has promulgated rules which would prohibit you from registering as a lobbyist agent for the corporation. As previously indicated the Act does not prohibit registration by a person who engages in lobbying. Only those who lobby for money are required to register as lobbyist agents.

This letter constitutes a declaratory ruling concerning the applicability of the Act to the statement of facts set forth in your request.

Very truly yours,


Richard H. Austin
Secretary of State

RHA/cw