

**SUBSTITUTE FOR
HOUSE BILL NO. 5584**

A bill to amend 1978 PA 472, entitled
"An act to regulate political activity; to regulate lobbyists,
lobbyist agents, and lobbying activities; to require registration
of lobbyists and lobbyist agents; to require the filing of reports;
to prescribe the powers and duties of the department of state; to
prescribe penalties; and to repeal certain acts and parts of acts,"
by amending section 4 (MCL 4.414), as amended by 2008 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Gift" means a payment, advance, forbearance, or
2 the rendering or deposit of money, services, or anything of value,
3 ~~the value of which exceeds \$25.00, as adjusted under section 19a,~~
4 ~~in any 1-month period,~~ unless consideration of equal or greater
5 value is received therefor. **for the payment, advance, forbearance,**
6 **or the rendering or deposit of money, services, or anything of**



1 **value.** Gift includes a payment, advance, forbearance, or the
 2 rendering or deposit of money, services, or anything of value to
 3 aid the defense of an official in the legislative branch or an
 4 official in the executive branch against a legal action not
 5 directly related to the governmental duties of the official. Gift
 6 does not include **any of** the following:

7 (a) A campaign contribution otherwise reported as required by
 8 the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
 9 169.282.

10 (b) A loan made in the normal course of business by an
 11 institution as **that term is** defined in ~~chapter 1~~ **section 1202** of
 12 the banking code of 1999, 1999 PA 276, ~~MCL 487.11101 to 487.11203,~~
 13 **MCL 487.11202**, a national bank, a branch bank, an insurance company
 14 issuing a loan or receiving a mortgage in the normal course of
 15 business, a premium finance company, a mortgage company, a small
 16 loan company, a state or federal credit union, a savings and loan
 17 association chartered by this state or the federal government, or a
 18 licensee as **that term is** defined ~~by~~ **in section 2 of** the motor
 19 vehicle sales finance act, 1950 (Ex Sess) PA 27, ~~MCL 492.101 to~~
 20 ~~492.141.~~ **MCL 492.102.**

21 (c) A gift received from a member of the ~~person's~~ **individual's**
 22 immediate family, a relative of a spouse, a relative within the
 23 seventh degree of consanguinity as computed by the civil law
 24 method, or from the spouse of the relative.

25 (d) A breakfast, luncheon, dinner, or other refreshment
 26 consisting of food and beverage provided for immediate consumption.

27 (e) A contribution to a legal defense fund that is registered
 28 with the secretary of state under the legal defense fund act, **2008**
 29 **PA 288, MCL 15.521 to 15.539**, and ~~whose~~ **the purpose of which** is to



1 defend an elected **public** official against any criminal, civil, or
2 administrative action, that arises directly out of the conduct of
3 the elected **public** official's governmental duties.

4 (f) Anything of value that is so de minimis that its receipt
5 by the elected public official could not reasonably be expected to
6 influence how the public official performs work or makes decisions.
7 Anything of value provided to an elected public official under this
8 subdivision must have a total fair market value that does not
9 exceed a de minimis value regardless of whether its cost is split
10 among more than 1 individual. Anything of value that is so de
11 minimis as described under this subdivision may not exceed any of
12 the following limits:

13 (i) A single tangible or intangible item with a fair market
14 value that exceeds \$20.00.

15 (ii) A combination of tangible and intangible items during any
16 3-month period with an aggregate fair market value exceeding
17 \$80.00.

18 (g) Cost for attendance at a conference, a training session,
19 or another meeting if attendance is primarily for the benefit of
20 this state and the expenses incurred by the elected public official
21 would be reimbursable items under applicable travel regulations or
22 other policies.

23 (2) "Immediate family" means a child residing in an
24 individual's household, a spouse of an individual, or an individual
25 claimed by that individual or that individual's spouse as a
26 dependent for federal income tax purposes.

27 (3) "Loan" means a transfer of money, property, or anything of
28 ascertainable value in exchange for an obligation, conditional or
29 not, to repay in whole or in part.

