HOUSE BILL No. 4729

May 4, 2005, Introduced by Reps. Tobocman, Gaffney, Vagnozzi, Lipsey, Ward, Hune, Farrah, McConico, Accavitti, Sheltrown, Schuitmaker, Walker and Cheeks and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1968 PA 317, entitled

"An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,"

by amending section 4 (MCL 15.324).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 4. **(1)** The prohibitions of section 2 ~~of this act~~ shall

2   not apply to **ANY OF THE FOLLOWING:**

3   (a) Contracts between public entities. ~~;~~

4   (b) Contracts awarded to the lowest qualified bidder, other

5   than a public servant, upon receipt of sealed bids pursuant to a

6   published notice. ~~therefor provided such notice does not bar,~~

7   ~~except~~ **EXCEPT** as authorized by law, **THE NOTICE SHALL NOT BAR** any

8   qualified person, firm, corporation, or trust from bidding. This

1 subsection shall not apply to amendments or renegotiations of a

2 contract nor to additional payments ~~thereunder~~ **MADE UNDER A**

3 **CONTRACT** which were not authorized by the contract at the time of

4 award. ~~; and~~

5   (c) Contracts for public utility services where the rates

6 ~~therefor~~ are regulated by the state or federal government.

7   **(D) CONTRACTS TO PURCHASE RESIDENTIAL PROPERTY. A PUBLIC**

8 **SERVANT MAY PURCHASE 1 TO 4 PARCELS NOT LESS THAN 18 MONTHS BETWEEN**

9 **EACH PURCHASE. THIS SUBDIVISION DOES NOT APPLY TO PUBLIC SERVANTS**

10 **WHO HAVE BEEN APPOINTED OR ELECTED TO THEIR POSITION OR WHOSE**

11 **EMPLOYMENT RESPONSIBILITIES INCLUDE THE PURCHASE OR SELLING OF**

12 **PROPERTY FOR THE PUBLIC ENTITIES.**

13   **(2) A PERSON THAT VIOLATES SUBSECTION (1)(D) IS GUILTY OF A**

14 **FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A**

15 **FINE OF NOT LESS THAN $1,000.00 OR MORE 3 TIMES THE VALUE OF THE**

16 **PROPERTY PURCHASED.**