

HOUSE BILL No. 4428

March 12, 2013, Introduced by Reps. Slavens, Ananich, LaVoy, Brinks, Faris, Smiley, Knezek, Brunner, Greimel, Barnett, Hovey-Wright, Roberts, Banks, McCann, Brown, Townsend, Irwin, Switalski, Yanez, Kosowski, Hobbs, Kandrevas, Tlaib, Driskell, Lamonte, Cavanagh, Schor, Lipton and Abed and referred to the Committee on Elections and Ethics.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 264a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 264A. (1) THE DEPARTMENT OR AN AGENCY EXERCISING
2 DELEGATED PURCHASING AUTHORITY UNDER THIS ACT SHALL NOT AWARD A
3 CONTRACT WITH A VALUE OF \$100,000.00 OR MORE FOR CONSTRUCTION,
4 GOODS, OR SERVICES TO A VENDOR IF THE VENDOR DID EITHER OF THE
5 FOLLOWING:

6 (A) MADE A CONTRIBUTION OF \$100.00 OR MORE THAT WAS REPORTABLE
7 UNDER THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.201
8 TO 169.282, TO AN INDIVIDUAL HOLDING AN ELECTIVE OFFICE IN THE
9 GOVERNMENT OF THIS STATE DURING THE 12 MONTHS IMMEDIATELY PRECEDING
10 THE AWARD OF THE CONTRACT.

1 (B) GAVE A GIFT WITH A VALUE THAT EQUALS OR EXCEEDS THE VALUE
2 OF A GIFT REPORTABLE UNDER 1978 PA 472, MCL 4.411 TO 4.431, TO AN
3 INDIVIDUAL HOLDING AN ELECTED OR APPOINTED OFFICE IN THE GOVERNMENT
4 OF THIS STATE THAT IS EXCLUDED OR EXEMPT FROM THE CLASSIFIED STATE
5 SERVICE DURING THE 12 MONTHS IMMEDIATELY PRECEDING THE AWARD OF THE
6 CONTRACT.

7 (2) THE DEPARTMENT OR AN AGENCY EXERCISING DELEGATED
8 PURCHASING AUTHORITY TO OBTAIN CONSTRUCTION, GOODS, OR SERVICES
9 UNDER THIS ACT SHALL INCLUDE A PROVISION IN EACH CONTRACT IT AWARDS
10 THAT REQUIRES THE CONTRACTOR TO CERTIFY THAT IT WILL NOT MAKE ANY
11 CONTRIBUTION OR GIFT DURING THE TERM OF THE CONTRACT WITH A VALUE
12 THAT EQUALS OR EXCEEDS THE AMOUNT INDICATED IN SUBSECTION (1) TO AN
13 INDIVIDUAL HOLDING AN ELECTED OR APPOINTED OFFICE IN THE GOVERNMENT
14 OF THIS STATE THAT IS EXCLUDED OR EXEMPT FROM THE CLASSIFIED STATE
15 SERVICE. A CONTRACTOR THAT MAKES A GIFT OR CONTRIBUTION IN
16 VIOLATION OF THE CERTIFICATION REQUIRED UNDER THIS SUBSECTION IS
17 RESPONSIBLE FOR A CIVIL FINE OF NOT MORE THAN 3 TIMES THE AMOUNT OF
18 THAT GIFT OR CONTRIBUTION. THE CIVIL FINE IS PAYABLE TO THE STATE
19 TREASURER FOR DEPOSIT INTO THE GENERAL FUND.

20 (3) FOR PURPOSES OF THIS SECTION, A POLITICAL CONTRIBUTION BY
21 AN OWNER OF AN INTEREST OF 10% OR MORE IN THE CONTRACTOR OR VENDOR,
22 OR BY AN IMMEDIATE FAMILY MEMBER OF AN OWNER OF AN INTEREST OF 10%
23 OR MORE IN THE CONTRACTOR OR VENDOR, MAY BE CONSIDERED TO BE A
24 CONTRIBUTION BY THE CONTRACTOR OR VENDOR.

25 (4) AS USED IN THIS SECTION, "IMMEDIATE FAMILY MEMBER" MEANS A
26 SPOUSE, CHILD, SIBLING, OR PARENT OF THE INDIVIDUAL AND INCLUDES
27 ANYONE WHO THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE CLAIMS AS A

1 DEPENDENT ON HIS OR HER UNITED STATES INCOME TAX RETURN DURING THE
2 12 MONTHS IMMEDIATELY PRECEDING THE AWARD OF THE CONTRACT.