



HOUSE BILL No. 5359

February 2, 2012, Introduced by Reps. Slavens, Dillon, Byrum, Darany, Bledsoe, Lipton, Brunner, Segal, Olumba, Geiss, Hovey-Wright, Tlaib, Durhal, Nathan, Lindberg, Ananich, Rutledge, Bauer, Townsend, Liss, Hammel, Meadows, Switalski, McCann, Irwin, Howze and Brown and referred to the Committee on Redistricting and Elections.

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.

House Bill No. 5359 as amended March 22, 2012

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.

[(2) THE DEPARTMENT OR AN AGENCY EXERCISING DELEGATED PURCHASING
AUTHORITY UNDER THIS ACT SHALL NOT AWARD A CONTRACT WITH A VALUE OF
\$100,000.00 OR MORE FOR CONSTRUCTION, GOODS, OR SERVICES TO A VENDOR IF
THE VENDOR EMPLOYS ANYONE WHO IS A MEMBER OF A LABOR ORGANIZATION THAT
MADE A CONTRIBUTION OR GIFT AS DESCRIBED IN SUBSECTION (1) (A) OR (B) .

7 (3)] 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.

[(4) THE DEPARTMENT OR AN AGENCY EXERCISING DELEGATED PURCHASING
AUTHORITY TO OBTAIN CONSTRUCTION, GOODS, OR SERVICES UNDER THIS ACT SHALL
INCLUDE A PROVISION IN EACH CONTRACT IT AWARDS THAT REQUIRES THE
CONTRACTOR TO SUPPLY CERTIFICATIONS FROM ALL LABOR ORGANIZATIONS THAT
REPRESENT THE CONTRACTOR'S EMPLOYEES THAT CERTIFY THAT THE LABOR
ORGANIZATION WILL NOT MAKE ANY CONTRIBUTION OR GIFT DURING THE TERM OF
THE CONTRACT WITH A VALUE THAT EQUALS OR EXCEEDS THE AMOUNT INDICATED IN
SUBSECTION (1) TO AN INDIVIDUAL HOLDING AN ELECTED OR APPOINTED OFFICE IN
THE GOVERNMENT OF THIS STATE THAT IS EXCLUDED OR EXEMPT FROM THE
CLASSIFIED STATE SERVICE. A LABOR ORGANIZATION THAT MAKES A GIFT OR
CONTRIBUTION IN VIOLATION OF THE CERTIFICATION IS RESPONSIBLE FOR A CIVIL
FINE OF NOT MORE THAN 3 TIMES THE AMOUNT OF THAT GIFT OR CONTRIBUTION.
THE CIVIL FINE IS PAYABLE TO THE STATE TREASURER FOR DEPOSIT INTO THE
GENERAL FUND.

20 (5)] FOR PURPOSES OF THIS SECTION, A POLITICAL CONTRIBUTION BY
21 AN OWNER OF AN INTEREST OF 10% OR MORE IN THE CONTRACTOR OR VENDOR,

House Bill No. 5359 as amended March 22, 2012

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.

[(6) FOR PURPOSES OF THIS SECTION, A POLITICAL CONTRIBUTION BY 10%
OR MORE OF THE MEMBERS OF A LABOR ORGANIZATION THAT PROVIDES A
CERTIFICATION UNDER SUBSECTION (4) OR BY AN IMMEDIATE FAMILY MEMBER OF A
MEMBER OF A LABOR ORGANIZATION THAT PROVIDES A CERTIFICATION UNDER
SUBSECTION (4) SHALL BE CONSIDERED TO BE A CONTRIBUTION BY THE LABOR
ORGANIZATION FOR PURPOSES OF SUBSECTION (4) .

25 (7) 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.