

HOUSE BILL No. 4738

June 14, 2011, Introduced by Rep. Knollenberg and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1814 (MCL 380.1814), as added by 2004 PA 417.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1814. (1) Except as otherwise provided in subsection (2),
2 a person shall not use **SCHOOL DISTRICT OR** intermediate school
3 district funds or other public funds under the control of ~~the~~**A**
4 **SCHOOL DISTRICT OR** intermediate school district for purchasing
5 alcoholic beverages, jewelry, gifts, fees for golf, or any item the
6 purchase or possession of which is illegal.

7 (2) Subsection (1) does not prohibit the use of public funds
8 for the purchase of a plaque, medal, trophy, or other award for the
9 recognition of an employee, volunteer, or pupil if the purchase
10 does not exceed \$100.00 per recipient. Beginning January 1, 2005,
11 the monetary amount for this exception shall be adjusted each

1 January 1 by multiplying the amount for the immediately preceding
2 year by the percentage by which the average consumer price index
3 for all items for the 12 months ending August 31 of the year in
4 which the adjustment is made differs from that index's average for
5 the 12 months ending on August 31 of the immediately preceding year
6 and adding that product to the maximum amount that applied in the
7 immediately preceding year, rounding to the nearest whole dollar.
8 The adjustment shall apply only to expenditures or violations
9 occurring after the date of the adjusting of the amount. The
10 adjusted amount shall be determined and announced by the department
11 on or before December 15 of each year and shall be provided to all
12 persons requesting the adjusted amount. If the index is
13 unavailable, the department shall make a reasonable approximation.

14 (3) In addition to any other penalty provided by law, a person
15 who knowingly or intentionally violates subsection (1) is guilty of
16 a misdemeanor punishable by imprisonment for not more than 93 days
17 or a fine, or both. The amount of the fine shall be as follows:

18 (a) If the cumulative amount of the funds that were used by
19 the person in violation of subsection (1) is less than \$5,000.00,
20 up to \$1,000.00.

21 (b) If the cumulative amount of the funds that were used by
22 the person in violation of subsection (1) is at least \$5,000.00 and
23 less than \$10,000.00, at least \$1,000.00 and not to exceed
24 \$2,000.00.

25 (c) If the cumulative amount of the funds that were used by
26 the person in violation of subsection (1) is at least \$10,000.00
27 and less than \$15,000.00, at least \$2,000.00 and not to exceed

1 \$3,000.00.

2 (d) If the cumulative amount of the funds that were used by
3 the person in violation of subsection (1) is at least \$15,000.00
4 and less than \$25,000.00, at least \$3,000.00 and not to exceed
5 \$4,000.00.

6 (e) If the cumulative amount of the funds that were used by
7 the person in violation of subsection (1) is \$25,000.00 or more, at
8 least \$4,000.00.

9 (4) A court shall order a person convicted of a violation of
10 subsection (1) to make restitution to the affected **SCHOOL DISTRICT**
11 **OR** intermediate school district.

12 (5) As used in this section, "public funds" means funds
13 generated from taxes levied under this act, state appropriations of
14 state or federal funds, or payments to the **SCHOOL DISTRICT OR**
15 intermediate school district for services, but does not include
16 voluntary contributions made for a specific purpose by ~~an~~**A SCHOOL**
17 **DISTRICT OR** intermediate school district board member, ~~an~~**A SCHOOL**
18 **DISTRICT OR** intermediate school district employee, another
19 individual, or a private entity.