

HOUSE BILL No. 5360

February 2, 2012, Introduced by Reps. Talabi, Bauer, Irwin, Townsend, Byrum, Segal, Slavens, Liss, Lindberg, Barnett, Hammel, Durhal and Howze and referred to the Committee on Redistricting and Elections.

A bill to amend 1968 PA 318, entitled

"An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts,"

by amending the title and section 2 (MCL 15.302).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6
7

TITLE

An act to implement the provisions of section 10 of article 4 IV of the **STATE** constitution **OF 1963** relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to **GRANTS FROM AND** contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts

1 of acts in conflict with this act; and to validate certain
2 contracts.

3 Sec. 2. (1) ~~No~~A member of the legislature, ~~herein referred~~
4 ~~to as a "legislator", nor any~~ OR A state officer shall NOT be
5 interested directly or indirectly in any contract with ~~the~~THIS
6 state or ~~any~~A political subdivision thereof which shall cause OF
7 THIS STATE THAT CAUSES a substantial conflict of interest.

8 (2) A MEMBER OF THE LEGISLATURE, THE GOVERNOR, THE LIEUTENANT
9 GOVERNOR, THE SECRETARY OF STATE, OR THE ATTORNEY GENERAL SHALL NOT
10 DIRECTLY OR INDIRECTLY APPLY FOR OR ACCEPT THE AWARD OF A GRANT
11 FUNDED BY THE STATE DURING HIS OR HER TERM OF OFFICE IF THE GRANT
12 IS NOT SPECIFICALLY IN FURTHERANCE OF DUTIES OF THE OFFICE. THIS
13 PROHIBITION DOES NOT APPLY TO A GRANT TO SUBSIDIZE EDUCATION AT AN
14 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 1 OF 1988 PA
15 457, MCL 29.411, WHICH GRANT IS OFFERED THROUGH A PROGRAM AVAILABLE
16 ON EQUAL TERMS TO MEMBERS OF THE GENERAL PUBLIC.

17 (3) AS USED IN THIS ACT, "CONFLICT OF INTEREST" MEANS A
18 PERSONAL INTEREST, OR THE LIKELIHOOD OF A PERSONAL INTEREST, IN
19 DERIVING A DIRECT MONETARY GAIN OR SUFFERING A DIRECT MONETARY
20 LOSS. THE LIKELIHOOD OF A PERSONAL INTEREST IN A DIRECT MONETARY
21 GAIN OR LOSS EXISTS IF A BENEFIT OR DETRIMENT COULD REASONABLY BE
22 EXPECTED TO ACCRUE TO THE LEGISLATOR OR STATE OFFICER AS A MEMBER
23 OF A BUSINESS, PROFESSION, OCCUPATION, OR GROUP, TO A GREATER
24 EXTENT THAN TO ANY OTHER MEMBER OF THAT BUSINESS, PROFESSION,
25 OCCUPATION, OR GROUP. IT IS A SUBSTANTIAL CONFLICT OF INTEREST FOR
26 A LEGISLATOR, THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE SECRETARY
27 OF STATE, OR THE ATTORNEY GENERAL TO PARTICIPATE IN THE NEGOTIATION

1 OF A STATE CONTRACT WITH A PARTY THAT HAS MADE A CONTRIBUTION TO A
2 CAMPAIGN COMMITTEE OF THAT INDIVIDUAL.