

# HOUSE BILL No. 4262

February 13, 1991, Introduced by Reps. Van Singel, Alley, Gagliardi, Middaugh, Nye, Ouwinga, Brackenridge, Strand, Bobier, Bodem, Dalman, Dresch, Oxender, Hickner, DeBeaussaert, Griffin, Hillegonds, Allen, Willis Bullard, DeLange, London, McNutt and Walberg and referred to the Committee on Towns and Counties.

A bill to amend section 2 of Act No. 317 of the Public Acts of 1968, entitled as amended

"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,"

being section 15.322 of the Michigan Compiled Laws; and to add section 3a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of Act No. 317 of the Public Acts of  
2 1968, being section 15.322 of the Michigan Compiled Laws, is  
3 amended and section 3a is added to read as follows:

4       Sec. 2. (1) ~~No~~ EXCEPT AS PROVIDED IN SECTIONS 3 AND 3A, A  
5 public servant shall NOT be a party, directly or indirectly, to  
6 any contract between himself OR HERSELF and the public entity of

1 which he OR SHE is an officer or employee. ~~, except as provided~~  
2 ~~in section 3.~~

3 (2) ~~No~~ EXCEPT AS PROVIDED IN SECTION 3, A public servant  
4 shall NOT directly or indirectly solicit any contract between the  
5 public entity of which he OR SHE is an officer or employee and  
6 ANY OF THE FOLLOWING:

7 (a) ~~himself,~~ HIM OR HERSELF.

8 (b) ~~any firm~~ ANY FIRM, meaning a co-partnership or other  
9 unincorporated association, ~~of~~ of which he OR SHE is a partner,  
10 member, or employee. ~~or~~

11 (c) ~~any~~ ANY private corporation in which he OR SHE is a  
12 stockholder owning more than 1% of the total outstanding stock of  
13 any class ~~where such~~ IF THE stock is not listed on a stock  
14 exchange, or stock with a present total market value in excess of  
15 \$25,000.00 ~~where such~~ IF THE stock is listed on a stock  
16 exchange or of which he OR SHE is a director, officer, or  
17 employee. ~~, or~~

18 (d) ~~any~~ ANY trust of which he OR SHE is a beneficiary or  
19 trustee. ~~, nor shall he take~~

20 (3) IN REGARD TO A CONTRACT DESCRIBED IN SUBSECTION (2), A  
21 PUBLIC SERVANT SHALL NOT DO EITHER OF THE FOLLOWING:

22 (A) TAKE any part in the negotiations for such a contract or  
23 the renegotiation ~~thereof~~ or amendment ~~thereto~~ OF THE  
24 CONTRACT, or in the approval ~~thereof, nor shall he represent~~ OF  
25 THE CONTRACT.

26 (B) REPRESENT either party in the transaction. ~~, except as~~  
27 ~~provided in section 3.~~

1        SEC. 3A.   SECTION 2 SHALL NOT BE CONSTRUED TO PROHIBIT A  
2 PUBLIC OFFICER OR PUBLIC EMPLOYEE OF A CITY, VILLAGE, TOWNSHIP,  
3 OR COUNTY, HAVING A POPULATION OF LESS THAN 25,000 FROM SERVING,  
4 WITH OR WITHOUT COMPENSATION, AS A VOLUNTEER EMERGENCY MEDICAL  
5 SERVICES PERSONNEL AS DEFINED IN SECTION 20904 OF THE PUBLIC  
6 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
7 TION 333.20904 OF THE MICHIGAN COMPILED LAWS, OR A VOLUNTEER FIRE  
8 FIGHTER.