



HOUSE BILL No. 4731

May 6, 1993, Introduced by Reps. Voorhees, Bandstra, Kukuk, Porreca, Baade, Llewellyn, Walberg, Dalman, Horton, Points, Lowe, Crissman, Shugars, Allen, Byrum, McBryde, Jersevic, Stille, Agee and Wetters and referred to the Committee on Education.

A bill to amend section 1805 of Act No. 451 of the Public Acts of 1976, entitled as amended
"The school code of 1976,"
being section 380.1805 of the Michigan Compiled Laws; and to add section 1349a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1805 of Act No. 451 of the Public Acts
2 of 1976, being section 380.1805 of the Michigan Compiled Laws, is
3 amended and section 1349a is added to read as follows:

4 SEC. 1349A. (1) THE BOARD OF A SCHOOL DISTRICT MAY ENTER
5 INTO A CONTRACT OR OTHER AGREEMENT WITH A MUSICAL INSTRUMENT PRO-
6 VIDER THAT GIVES THE PROVIDER EXCLUSIVE RIGHTS TO MARKET ITS
7 INSTRUMENTAL MUSIC GOODS AND SERVICES IN THE SCHOOL BUILDINGS IN
8 EXCHANGE FOR PROVIDING SUPPORT SERVICES FOR THE INSTRUMENTAL
9 MUSIC PROGRAM.

1 (2) A CONTRACT OR OTHER AGREEMENT WITH A MUSICAL INSTRUMENT
2 PROVIDER UNDER THIS SECTION SHALL NOT PROHIBIT A PUPIL FROM RENT-
3 ING OR PURCHASING A MUSICAL INSTRUMENT FROM A VENDOR OF HIS OR
4 HER CHOICE AND SHALL NOT PREVENT A PUPIL FROM USING SUCH A MUSI-
5 CAL INSTRUMENT IN SCHOOL ACTIVITIES IF THE MUSICAL INSTRUMENT IS
6 APPROVED BY THE SCHOOL'S INSTRUMENTAL MUSIC STAFF OR IS SUBSTAN-
7 Tially THE SAME IN FUNCTION AND PERFORMANCE AS OTHER APPROVED
8 MUSICAL INSTRUMENTS.

9 Sec. 1805. (1) A superintendent of public instruction,
10 intermediate superintendent, school officer, SCHOOL DISTRICT
11 superintendent, SCHOOL principal, or teacher ~~of schools~~ shall
12 not act as agent for an author, publisher, or seller of school-
13 books or school apparatus, or receive a gift or reward for his or
14 her influence in recommending the purchase or use IN THIS STATE
15 of a schoolbook, apparatus, or furniture. ~~in this state.~~

16 (2) A PERSON DESCRIBED IN SUBSECTION (1) WHO PARTICIPATES IN
17 THE NEGOTIATION OF, OR A SCHOOL DISTRICT THAT ENTERS INTO, A CON-
18 TRACT OR AGREEMENT AUTHORIZED UNDER SECTION 1349A IS NOT BY
19 VIRTUE OF THAT PARTICIPATION OR AGREEMENT AN AGENT OF THE MUSICAL
20 INSTRUMENT PROVIDER.

21 (3) ~~(2)~~ A person who violates this section is guilty of a
22 misdemeanor punishable by a fine of not more than \$500.00 or
23 imprisonment for not more than 3 months, or both.