

# HOUSE BILL No. 5723

December 18, 2009, Introduced by Reps. Amash, Agema, Walsh, Marleau, Rick Jones, Knollenberg, Elsenheimer, Rogers, Green, Kowall, Hildenbrand, Denby, Paul Scott, Ball, Opsommer, Lori, Moss, Kurtz, Wayne Schmidt, McMillin, Daley, Stamas, Moore, Lund, Haines, Pearce, Tyler, Haveman, Crawford, Calley, Pavlov, Bolger, Meekhof, Meltzer, DeShazor, Proos, Rocca, Hansen, Schuitmaker, Booher, Horn, Miller, Lipton, Haase, Slavens, Roberts, Kandrevas, Dean, Johnson, Jackson and Tlaib and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261d (MCL 18.1261d), as added by 2008 PA 193.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 261d. In addition to the requirements of section 261, the  
2 department and all state agencies shall ~~whenever~~ **COMPLY WITH THE**  
3 **FOLLOWING:**

4           **(A) WHENEVER** possible, avoid purchasing products containing  
5 mercury or mercury compounds if products that do not contain  
6 mercury or mercury compounds are available and those products are  
7 cost-effective as determined by the department.

8           **(B) DETERMINE THAT OPEN-SOURCE SOFTWARE WILL NOT MEET THE**  
9 **DEPARTMENT OR AGENCY'S NEEDS BEFORE SOLICITING BIDS OR PURCHASING**

1 PROPRIETARY SOFTWARE.