

# HOUSE BILL No. 5649

May 17, 2012, Introduced by Rep. McMillin and referred to the Committee on Commerce.

A bill to amend 1966 PA 346, entitled  
"State housing development authority act of 1966,"  
(MCL 125.1401 to 125.1499c) by adding section 14.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 14. (1) THE AUTHORITY SHALL COMPLY WITH THE STATE  
2        FINANCIAL MANAGEMENT GUIDE ISSUED BY THE DEPARTMENT OF TECHNOLOGY,  
3        MANAGEMENT, AND BUDGET PURSUANT TO THE MANAGEMENT AND BUDGET ACT,  
4        1984 PA 431, MCL 18.1101 TO 18.1594, INCLUDING, BUT NOT LIMITED TO,  
5        PROVISIONS PROHIBITING ADVANCE CONTRACT PAYMENTS WITHOUT THE  
6        APPROVAL OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET.

7        (2) THE AUTHORITY SHALL UTILIZE COMPETITIVE SOLICITATION FOR  
8        ANY CONTRACT, INCLUDING A CONTRACT RENEWAL OR GROUP OF CONTRACTS TO  
9        BE AWARDED TO A SINGLE COMPANY, OF \$25,000.00 OR MORE.

10       (3) EXCEPT AS PROVIDED IN SUBSECTION (5) OR (6), A MEMBER OR  
11       EMPLOYEE OF THE AUTHORITY SHALL NOT ENGAGE IN OR ACCEPT EMPLOYMENT

1 WITH OR RENDER SERVICES FOR ANOTHER PERSON IF THAT EMPLOYMENT OR  
2 SERVICE IS INCOMPATIBLE OR IN CONFLICT WITH THE DISCHARGE OF THE  
3 MEMBER OR EMPLOYEE'S OFFICIAL DUTIES OR IF THAT EMPLOYMENT MAY TEND  
4 TO IMPAIR HIS OR HER INDEPENDENCE OF JUDGMENT OR ACTION IN THE  
5 PERFORMANCE OF OFFICIAL DUTIES.

6 (4) EXCEPT AS PROVIDED IN SUBSECTION (5) OR (6), A MEMBER OR  
7 EMPLOYEE OF THE AUTHORITY SHALL NOT PARTICIPATE IN THE NEGOTIATION  
8 OR EXECUTION OF CONTRACTS, MAKING OF LOANS, GRANTING OF SUBSIDIES,  
9 FIXING OF RATES, ISSUANCE OF CERTIFICATES, OR OTHER REGULATION OR  
10 SUPERVISION RELATING TO A BUSINESS ENTITY IN WHICH THE MEMBER OR  
11 EMPLOYEE HAS A FINANCIAL OR PERSONAL INTEREST.

12 (5) SUBJECT TO SUBSECTION (6), A MEMBER OF THE AUTHORITY MAY  
13 VOTE ON, MAKE, OR PARTICIPATE IN MAKING A GOVERNMENTAL DECISION IF  
14 ALL OF THE FOLLOWING OCCUR:

15 (A) THE REQUISITE QUORUM NECESSARY FOR OFFICIAL ACTION ON THE  
16 GOVERNMENTAL DECISION BY THE AUTHORITY WOULD NOT BE AVAILABLE IF  
17 THE PARTICIPATION OF THE MEMBER IN THE OFFICIAL ACTION WERE  
18 PROHIBITED UNDER SUBSECTION (3) OR (4).

19 (B) THE MEMBER IS NOT PAID FOR WORKING MORE THAN 25 HOURS PER  
20 WEEK FOR THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

21 (C) THE MEMBER PROMPTLY DISCLOSES ANY PERSONAL, CONTRACTUAL,  
22 FINANCIAL, BUSINESS, OR EMPLOYMENT INTEREST HE OR SHE HAS IN THE  
23 GOVERNMENTAL DECISION AND THE DISCLOSURE IS MADE PART OF THE PUBLIC  
24 RECORD OF THE OFFICIAL ACTION ON THE GOVERNMENTAL DECISION.

25 (6) IF A GOVERNMENTAL DECISION INVOLVES A CONTRACT AWARD, A  
26 MEMBER OF THE AUTHORITY MAY VOTE ON, MAKE, OR PARTICIPATE IN MAKING  
27 THE GOVERNMENTAL DECISION IF ALL OF THE FOLLOWING OCCUR:

1 (A) ALL OF THE CONDITIONS OF SUBSECTION (5) ARE MET.

2 (B) THE MEMBER WILL DIRECTLY BENEFIT FROM THE CONTRACT IN AN  
3 AMOUNT LESS THAN \$250.00 OR LESS THAN 5% OF THE PUBLIC COST OF THE  
4 CONTRACT, WHICHEVER IS LESS.

5 (C) THE MEMBER FILES WITH THE AUTHORITY A SWORN AFFIDAVIT  
6 ATTESTING TO THE INFORMATION DESCRIBED IN SUBDIVISION (B).

7 (D) THE AFFIDAVIT REQUIRED BY SUBDIVISION (C) IS MADE A PART  
8 OF THE PUBLIC RECORD OF THE OFFICIAL ACTION ON THE GOVERNMENTAL  
9 DECISION.

10 (7) AS USED IN THIS SECTION, "GOVERNMENTAL DECISION" MEANS A  
11 DETERMINATION, ACTION, VOTE, OR DISPOSITION UPON A MOTION,  
12 PROPOSAL, RECOMMENDATION, RESOLUTION, OR MEASURE ON WHICH A VOTE BY  
13 THE MEMBERS OF THE AUTHORITY IS REQUIRED AND BY WHICH THE AUTHORITY  
14 FORMULATES OR EFFECTUATES PUBLIC POLICY.