

SENATE BILL No. 793

November 2, 2011, Introduced by Senators JONES, SCHUITMAKER, NOFS, PROOS and PAPPAGEORGE and referred to the Committee on Appropriations.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 221 (MCL 18.1221), as amended by 1999 PA 8, and by adding section 260.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 221. (1) The director may provide for the rental and
2 lease of land and facilities for the use of state agencies in the
3 manner provided by law. ~~The rentals and leases shall not be~~ **A SPACE**
4 **OR FACILITIES LEASE, LEASE RENEWAL, OR LEASE EXTENSION OF**
5 **\$100,000.00 OR MORE, OR ANY SPACE OR FACILITIES RENTAL AGREEMENT**
6 **FOR LESS THAN 2 YEARS AT \$2,000.00 PER MONTH OR MORE, SHALL BE**
7 **AWARDED THROUGH A COMPETITIVE BID PROCESS. THE SPECIFICATIONS IN**
8 **THE BID SOLICITATION SHALL BE STATED IN THE MOST GENERAL TERMS THAT**

1 WILL MEET THE AGENCY'S NEEDS. A WAIVER OF THE REQUIREMENT FOR
2 COMPETITIVE BIDS MAY BE GRANTED IN EXCEPTIONAL CIRCUMSTANCES BY
3 UNANIMOUS VOTE OF THE BOARD WITH NOTIFICATION TO THE JOINT CAPITAL
4 OUTLAY SUBCOMMITTEE. A RENTAL OR LEASE AGREEMENT IS NOT effective
5 unless approved by the board.

6 (2) If a project costs more than \$1,000,000.00 and consists of
7 less than 25,000 gross square feet, the department shall notify the
8 joint capital outlay subcommittee in writing of its intent to
9 proceed with such a facility. The notice shall be given 30 days
10 before the lease contract providing for the proposed ~~constructions~~
11 **CONSTRUCTION** is entered into.

12 (3) If the director proposes to lease space or a facility
13 ~~which~~ **THAT** meets either ~~either~~ **ANY** of the following criteria, approval of
14 the joint capital outlay subcommittee is required prior to board
15 approval:

16 (a) The space or facility exceeds 25,000 gross square feet.

17 (b) The annual base cost of the proposed lease is more than
18 \$500,000.00.

19 (4) For the purposes of this section, the renewal of an
20 existing lease ~~will require~~ **REQUIRES** the approval of the joint
21 capital outlay subcommittee if the renewal ~~results~~ **WOULD RESULT** in
22 changes to the lease that ~~would~~ cause it to meet the requirements
23 outlined in subsection (3).

24 (5) The department may grant easements ~~upon~~ terms and
25 conditions the board determines are just and reasonable ~~for~~
26 highway and road purposes, and for constructing, operating, and
27 maintaining pipelines or electric, telephone, telegraph,

1 television, gas, sanitary sewer, storm sewer, or other utility
2 lines including all supporting fixtures and other appurtenances
3 over, through, under, upon, and across any land belonging to this
4 state, except lands under the jurisdiction of the department of
5 natural resources, the department of military affairs, or the state
6 transportation department.

7 (6) The department shall determine annually the prevailing
8 market rental values of all state owned office facilities and
9 private facilities which provide housing for state employees. The
10 rental values determined ~~pursuant to~~ **UNDER** this subsection ~~shall~~
11 **ARE** not ~~be~~ effective unless approved by the board. The renting,
12 leasing, or licensing of state owned land and facilities to private
13 and public entities shall be at prevailing market rental values or
14 at actual costs as determined by the director.

15 (7) The department shall charge state agencies for building
16 occupancy in state owned facilities under the jurisdiction of the
17 department. The rates to be charged for building occupancy shall be
18 coordinated with the budget cycle. The rates shall reflect the
19 actual cost for occupancy of the facilities.

20 **SEC. 260. AN EMPLOYEE OR OFFICER OF THE DEPARTMENT WHO IS**
21 **RESPONSIBLE FOR ANY PART OF THE PROCESS LEADING UP TO AND INCLUDING**
22 **EITHER THE PROCUREMENT OF SUPPLIES, EQUIPMENT, OR SERVICES OR THE**
23 **AWARD OF A RENTAL AGREEMENT, LEASE, OR CONSTRUCTION CONTRACT SHALL**
24 **NOT MEET WITH AN INDIVIDUAL WHO IS REQUIRED TO BE REGISTERED AS A**
25 **LOBBYIST OR LOBBYIST AGENT UNDER 1978 PA 472, MCL 4.411 TO 4.431,**
26 **OUTSIDE OF NORMAL WORK HOURS OR OUTSIDE OF A GOVERNMENTAL WORKPLACE**
27 **UNLESS THE MEETING HAS BEEN POSTED AS OPEN TO THE PUBLIC IN ACCORD**

1 WITH THE NOTICE REQUIREMENTS IN THE OPEN MEETINGS ACT, 1976 PA 267,
2 MCL 15.261 TO 15.275.