

HOUSE BILL NO. 5100

October 21, 2025, Introduced by Reps. Aragona and T. Carter and referred to Committee on Economic Competitiveness.

A bill to amend 2008 PA 554, entitled
"Regional convention facility authority act,"
by amending section 11 (MCL 141.1361), as amended by 2009 PA 63.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Within not more than 30 days following
2 appointment of the members of a board, the board shall hold its
3 first meeting at a date and time determined by the individual
4 appointed under section 9(1)(a). The board members shall elect from
5 among the board members an individual to serve as chairperson of
6 the board and may elect other officers as the board considers

1 necessary. All officers ~~shall~~**must** be elected annually by the
2 board. All actions of the board under this act ~~shall~~ require the
3 unanimous consent of all serving members of the board, excluding
4 any members prohibited from voting on an action due to a conflict
5 of interest under section 15.**at least 4 of the 5 serving members of**
6 **the board.**

7 (2) The business of the board ~~shall~~**must** be conducted at a
8 public meeting of the board held in compliance with the open
9 meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of
10 the time, date, and place of the meeting ~~shall~~**must** be given in the
11 manner required by the open meetings act, 1976 PA 267, MCL 15.261
12 to 15.275. A board shall adopt bylaws consistent with the open
13 meetings act, 1976 PA 267, MCL 15.261 to 15.275, governing its
14 procedures and the holding of meetings. After organization, a board
15 shall adopt a schedule of regular meetings and adopt a regular
16 meeting date, place, and time. A special meeting of the board may
17 be called by the chairperson of the board or as provided in bylaws
18 adopted by the board. Notice of a special meeting ~~shall~~**must** be
19 given in the manner required by the open meetings act, 1976 PA 267,
20 MCL 15.261 to 15.275.

21 (3) A board shall keep a written or printed record of each
22 meeting. ~~which~~**The** record and any other document or record
23 prepared, owned, used, in the possession of, or retained by the
24 authority in the performance of an official function ~~shall~~**must** be
25 made available to the public in compliance with the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 (4) A board shall provide for a system of accounts for the
28 authority to conform to a uniform system required by law and for
29 the auditing of the accounts of an authority. The board shall

1 obtain an annual audit of the authority by an independent certified
2 public accountant and report on the audit and auditing procedures
3 in the manner provided by sections 6 to 13 of the uniform budgeting
4 and accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit
5 also shall be in accordance with generally accepted government
6 auditing standards and shall satisfy federal regulations relating
7 to federal grant compliance audit requirements.

8 (5) Before the beginning of each fiscal year, a board shall
9 cause to be prepared a budget for the authority containing an
10 itemized statement of the estimated current operational expenses
11 and the expenses for capital outlay including funds for the
12 operation and development of convention facilities under the
13 jurisdiction of the board, including the amount necessary to pay
14 the principal and interest of any outstanding bonds or other
15 obligations of the authority maturing during the next fiscal year
16 or that have previously matured and are unpaid, and an estimate of
17 the estimated revenue of the authority from all sources for the
18 next fiscal year. The board shall adopt a budget as for the fiscal
19 year in accordance with the uniform budget and accounting act, 1968
20 PA 2, MCL 141.421 to 141.440a.

21 (6) A board shall provide for the purchase of, the contracting
22 for, and the providing of supplies, materials, services, insurance,
23 utilities, third-party financing, equipment, printing, and all
24 other items as needed by the authority to efficiently and
25 effectively meet the needs of the authority using competitive
26 procurement methods to secure the best value for the authority. The
27 board shall make all discretionary decisions concerning the
28 solicitation, award, amendment, cancellation, and appeal of
29 authority contracts. A board shall provide for the acquisition of

1 professional services, including, but not limited to, architectural
2 services, engineering services, surveying services, accounting
3 services, services related to the issuance of bonds, and legal
4 services, in accordance with a competitive, qualifications-based
5 selection process and procedure for the type of professional
6 service required by the authority. An authority is not required to
7 use competitive bidding when acquiring proprietary services,
8 equipment, or information available from a single source, such as a
9 software license agreement. An authority may enter into a
10 cooperative purchasing agreement with the federal government, this
11 state, or other public entities for the purchase of goods or
12 services necessary for the authority. An authority may enter into
13 lease purchases or installment purchases for periods not exceeding
14 the anticipated useful life of the items purchased unless otherwise
15 prohibited by law. In all purchases made by the authority, all
16 other things being equal, preference ~~shall~~**must** be given first to
17 products manufactured or services offered by firms based in the
18 authority's qualified metropolitan area, including, but not limited
19 to, the qualified city and each county in the qualified
20 metropolitan area, and next to firms based in this state, if
21 consistent with applicable law. The authority shall actively
22 solicit lists of potential bidders for authority contracts from
23 each qualified city and each county in the qualified metropolitan
24 area. Except as otherwise provided in this section, the authority
25 shall utilize competitive solicitation for all purchases authorized
26 under this act unless 1 or more of the following apply:

27 (a) Procurement of goods or services is necessary for the
28 imminent protection of public health or safety or to mitigate an
29 imminent threat to public health or safety, as determined by the

1 authority or its chief executive officer.

2 (b) Procurement of goods or services is for emergency repair
3 or construction caused by unforeseen circumstances when the repair
4 or construction is necessary to protect life or property.

5 (c) Procurement of goods or services is in response to a
6 declared state of emergency or state of disaster under the
7 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

8 ~~(d) Procurement of goods or services is in response to a~~
9 ~~declared state of emergency under 1945 PA 302, MCL 10.31 to 10.33.~~

10 (d) ~~(e)~~ Procurement of goods or services is in response to a
11 declared state of energy emergency under 1982 PA 191, MCL 10.81 to
12 10.89.

13 (e) ~~(f)~~ Procurement of goods or services is under a
14 cooperative purchasing agreement with the federal government, this
15 state, or more public entities for the purchase of goods and
16 services necessary at fair and reasonable prices using a
17 competitive procurement method for authority operations.

18 (f) ~~(g)~~ The value of the procurement is less than \$5,000.00,
19 and the board has established policies or procedures to ensure that
20 goods or services with a value of less than \$5,000.00 are purchased
21 by the board at fair and reasonable prices. Procurement of goods or
22 services with a value of less than \$5,000.00 may be negotiated with
23 or without using competitive bidding as authorized in a procurement
24 policy adopted by the board.

25 (7) A board may not enter into any cost plus construction
26 contract unless all of the following apply:

27 (a) The contract cost is less than \$50,000.00.

28 (b) The contract is for emergency repair or construction
29 caused by unforeseen circumstances.

1 (c) The repair or construction is necessary to protect life or
2 property.

3 (d) The contract complies with requirements of applicable
4 state or federal law.

5 (8) The board shall adopt a procurement policy consistent with
6 the requirements of this act and federal and state laws relating to
7 procurement. The procurement policy ~~shall~~**must** include a
8 requirement for the authority to use its best efforts within the
9 competitive solicitation requirements of this section to achieve
10 fairness in the number and value of contracts for goods or services
11 entered into by the authority with firms based in the qualified
12 city and each county within the qualified metropolitan area,
13 consistent with applicable law. The board shall adopt a policy to
14 govern the control, supervision, management, and oversight of each
15 contract to which the authority is a party. The board shall adopt
16 procedures to monitor the performance of each contract including,
17 but not limited to, a contract that exists on the transfer date, to
18 assure execution of the contract within the budget and time periods
19 provided under the contract. The monitoring ~~shall~~**must** include
20 oversight as to whether the contract is being performed in
21 compliance with the terms of the contract, this act, and federal
22 and state law procurement law. The chief executive officer or other
23 authorized employee of an authority shall not sign or execute a
24 contract until the contract is approved by the board. A board for
25 an authority shall establish policies to ensure that the authority
26 does not enter into a procurement or employment contract with a
27 person who has been convicted of a criminal offense incident to the
28 application for or performance of a contract or subcontract with a
29 governmental entity in this state. A board for an authority shall

1 establish policies to ensure that the authority does not enter into
2 a procurement or employment contract with a person who has been
3 convicted of a criminal offense, or held liable in a civil
4 proceeding, that negatively reflects on the person's business
5 integrity, based on a finding of embezzlement, theft, forgery,
6 bribery, falsification or destruction of records, receiving stolen
7 property, or violation of state or federal antitrust statutes, or
8 similar laws. The authority shall prepare an annual report to the
9 board, the qualified city, and each county within the qualified
10 metropolitan area detailing all contracts entered into by the
11 authority during the immediately preceding fiscal year. As used in
12 this subsection, if a person is a business entity, person includes
13 affiliates, subsidiaries, officers, directors, managerial
14 employees, and any person who, directly or indirectly, holds a
15 pecuniary interest in that business entity of 20% or more. Nothing
16 in this subsection ~~shall~~**must** be construed as creating a quota or
17 set-aside for any qualified city or any county in the qualified
18 metropolitan area.

19 (9) A board may employ personnel as the board considers
20 necessary to assist the board in performing the power, duties, and
21 jurisdictions of the authority, including, but not limited to,
22 employment of a chief executive officer as authorized under section
23 13. The board shall adopt an employment policy that includes a
24 requirement for the authority to use best efforts to achieve
25 fairness in the hiring of employees from among residents of the
26 qualified city and each county within the qualified metropolitan
27 area, consistent with applicable law. Nothing in this subsection
28 ~~shall~~**must** be construed as creating a quota or set-aside for any
29 qualified city or any county in the qualified metropolitan area.

1 (10) A board shall establish policies to assure that the board
2 and the authority ~~shall~~**do** not do either of the following:

3 (a) Fail or refuse to hire, recruit, or promote; demote;
4 discharge; or otherwise discriminate against a person with respect
5 to employment, compensation, or a term, condition, or privilege of
6 employment, or a contract with the authority because of religion,
7 race, color, national origin, age, sex, sexual orientation, height,
8 weight, marital status, partisan considerations, or a disability or
9 genetic information that is unrelated to the person's ability to
10 perform the duties of a particular job, position, or contract.

11 (b) Limit, segregate, or classify an employee, a contractor,
12 or applicant for employment or a contract in a way that deprives or
13 tends to deprive the employee, contractor, or applicant of an
14 employment opportunity or otherwise adversely affects the status of
15 an employee, contractor, or applicant because of religion, race,
16 color, national origin, age, sex, sexual orientation, height,
17 weight, marital status, partisan considerations, or a disability or
18 genetic information that is unrelated to the person's ability to
19 perform the duties of a particular job or position.

20 (11) Not less than 60 days after the transfer date, an
21 authority shall establish a citizens advisory council to provide
22 public input and advise the board on the impact of redevelopment
23 and management of a qualified convention facility upon the
24 qualified city and each county within the qualified metropolitan
25 area. The advisory council shall consist of 8 members, including 1
26 resident of the qualified city appointed by the local chief
27 executive officer of the qualified city, 1 resident of the
28 qualified city appointed by the legislative body of the qualified
29 city, 1 county resident appointed as a council member by each local

1 chief executive officer for each county within the qualified
2 metropolitan area, and 1 county resident appointed as a council
3 member by the legislative body for each county within the qualified
4 metropolitan area. An elected state or local official is not
5 eligible to serve as a member of the citizens advisory council.
6 Members of the advisory council shall be appointed for terms of 4
7 years. A vacancy on the advisory council arising other than by
8 expiration of a term shall be filled for the remainder of a term in
9 the same manner as the original appointment. The business of the
10 advisory council ~~shall~~**must** be conducted at a public meeting held
11 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
12 to 15.275. Public notice of the time, date, and place of the
13 meeting ~~shall~~**must** be given in the manner required by the open
14 meetings act, 1976 PA 267, MCL 15.261 to 15.275. The advisory
15 council shall adopt bylaws consistent with the open meetings act,
16 1976 PA 267, MCL 15.261 to 15.275, governing its procedures and the
17 holding of meetings. After organization, the advisory council shall
18 adopt a schedule of regular meetings and adopt a regular meeting
19 date, place, and time. The advisory council shall keep a written or
20 printed record of each meeting, which record and any other document
21 or record prepared, owned, used, in the possession of, or retained
22 by the advisory council in the performance of an official function
23 ~~shall~~**must** be made available to the public in compliance with the
24 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. An
25 advisory council shall organize and make its own policies and
26 procedures and shall adopt bylaws not inconsistent with this act
27 governing its operations. The advisory council may request and
28 ~~shall~~**must** receive from the authority information and technical
29 assistance relating to the development and management of the

1 qualified convention facility. Failure of the advisory council to
2 organize, meet, or perform statutory functions ~~shall~~**does** not
3 prevent the board or the authority from performing authorized
4 activities. A member of the citizens advisory council ~~shall~~**must**
5 not be compensated for being a member, ~~nor shall~~**and** a member **must**
6 **not** be reimbursed for any expenses incurred as a member of the
7 citizens advisory council.