

SUBSTITUTE FOR
SENATE BILL NO. 497

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
(MCL 4.1101 to 4.1901) by adding chapter 7C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 7C

SEC. 791. (1) THE LOCAL GOVERNMENT MANDATE PANEL IS CREATED
WITHIN THE LEGISLATIVE COUNCIL. THE LOCAL GOVERNMENT MANDATE PANEL
SHALL FACILITATE AND ENSURE COMPLIANCE WITH SECTION 29 OF ARTICLE
IX OF THE STATE CONSTITUTION OF 1963.

(2) THE LOCAL GOVERNMENT MANDATE PANEL SHALL CONSIST OF THE
FOLLOWING MEMBERS:

(A) THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,
AND BUDGET OR HIS OR HER DESIGNEE AS A NONVOTING MEMBER.

(B) THE FOLLOWING 5 MEMBERS APPOINTED JOINTLY BY THE SPEAKER

1 OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY LEADER OF THE
2 SENATE, 2 OF WHOM ARE APPOINTED FROM A LIST OF AT LEAST 5
3 INDIVIDUALS RECOMMENDED BY THE GOVERNOR, WHO REPRESENT THE
4 INTERESTS OF EACH OF THE FOLLOWING:

5 (i) COUNTIES.

6 (ii) CITIES AND VILLAGES.

7 (iii) TOWNSHIPS.

8 (iv) SCHOOL DISTRICTS AND INTERMEDIATE SCHOOL DISTRICTS.

9 (v) COMMUNITY COLLEGES.

10 (3) THE MEMBERS FIRST APPOINTED TO THE LOCAL GOVERNMENT
11 MANDATE PANEL SHALL BE APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE
12 DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER.

13 (4) APPOINTED MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL
14 SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,
15 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED
16 UNDER SUBSECTION (2) (B), 2 SHALL SERVE FOR 1 YEAR, 1 SHALL SERVE
17 FOR 2 YEARS, AND 2 SHALL SERVE FOR 3 YEARS.

18 (5) IF A VACANCY OCCURS ON THE LOCAL GOVERNMENT MANDATE PANEL,
19 THE APPOINTMENT FOR THE UNEXPIRED TERM SHALL BE MADE IN THE SAME
20 MANNER AS THE ORIGINAL APPOINTMENT.

21 (6) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
22 MAJORITY LEADER OF THE SENATE, ACTING JOINTLY, MAY REMOVE A MEMBER
23 OF THE LOCAL GOVERNMENT MANDATE PANEL FOR INCOMPETENCY, DERELICTION
24 OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY
25 OTHER GOOD CAUSE.

26 (7) THE FIRST MEETING OF THE LOCAL GOVERNMENT MANDATE PANEL
27 SHALL BE CALLED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

1 WITHIN 60 DAYS AFTER ALL THE MEMBERS OF THE PANEL ARE APPOINTED
2 UNDER THIS SECTION. AT THE FIRST MEETING, THE LOCAL GOVERNMENT
3 MANDATE PANEL SHALL ELECT A CHAIRPERSON. AFTER THE FIRST MEETING,
4 THE LOCAL GOVERNMENT MANDATE PANEL SHALL MEET AT LEAST MONTHLY, OR
5 MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 4
6 OR MORE MEMBERS.

7 (8) A MAJORITY OF THE MEMBERS OF THE LOCAL GOVERNMENT MANDATE
8 PANEL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A
9 MEETING OF THE LOCAL GOVERNMENT MANDATE PANEL. A MAJORITY OF THE
10 MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE
11 LOCAL GOVERNMENT MANDATE PANEL.

12 (9) THE BUSINESS THAT THE LOCAL GOVERNMENT MANDATE PANEL MAY
13 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE LOCAL
14 GOVERNMENT MANDATE PANEL HELD IN COMPLIANCE WITH THE OPEN MEETINGS
15 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

16 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
17 RETAINED BY THE LOCAL GOVERNMENT MANDATE PANEL IN THE PERFORMANCE
18 OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION
19 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

20 (11) MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL SHALL SERVE
21 WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE LOCAL GOVERNMENT
22 MANDATE PANEL MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY
23 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS
24 MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL.

25 (12) AFTER INTRODUCTION OF A BILL, THE LEGISLATIVE COUNCIL
26 SHALL REVIEW THE BILL TO DETERMINE WHETHER THE BILL MAY IMPOSE A
27 NEW ACTIVITY OR SERVICE OR INCREASE THE LEVEL OF AN EXISTING

1 ACTIVITY OR SERVICE. THE LEGISLATIVE COUNCIL SHALL NOTIFY THE LOCAL
2 GOVERNMENT MANDATE PANEL OF ANY BILL THAT MAY IMPOSE A NEW ACTIVITY
3 OR SERVICE OR INCREASE THE LEVEL OF AN EXISTING ACTIVITY OR
4 SERVICE.

5 (13) IF THE LEGISLATIVE COUNCIL OR THE LOCAL GOVERNMENT
6 MANDATE PANEL DETERMINES THAT A BILL MAY IMPOSE A NEW ACTIVITY OR
7 SERVICE OR INCREASE THE LEVEL OF AN EXISTING ACTIVITY OR SERVICE,
8 THE LOCAL GOVERNMENT MANDATE PANEL SHALL INITIATE THE FISCAL NOTE
9 PROCESS DESCRIBED IN SECTION 6 OF THE PAUL HARVEY TRANSPARENCY ACT.
10 THE LOCAL GOVERNMENT MANDATE PANEL, THE HOUSE FISCAL AGENCY, THE
11 SENATE FISCAL AGENCY, AND THE LEGISLATURE SHALL OTHERWISE COMPLY
12 WITH THE REQUIREMENTS SET FORTH IN THE PAUL HARVEY TRANSPARENCY
13 ACT.

14 (14) THE LOCAL GOVERNMENT MANDATE PANEL SHALL DEVELOP ITS OWN
15 RULES OF OPERATION, POLICIES, AND PROCEDURES AND MAY AUTHORIZE AND
16 OPERATE SUBCOMMITTEES TO ASSIST IN ITS DUTIES.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 495 of the 97th Legislature is enacted into
19 law.