



**Senate Fiscal Agency**  
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BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 417 (as enrolled)  
Senate Bill 418 (as enrolled)  
Senate Bill 501 (as enrolled)  
Senate Bill 506 (as enrolled)  
Senate Bill 507 (as enrolled)  
Sponsor: Senator Glenn D. Steil  
Senate Committee: Government Operations  
House Committee: House Oversight and Ethics

**PUBLIC ACT 179 of 1995**  
**PUBLIC ACT 178 of 1995**  
**PUBLIC ACT 197 of 1995**  
**PUBLIC ACT 189 of 1995**  
**PUBLIC ACT 190 of 1995**

Date Completed: 4-9-96

**RATIONALE**

In 1994 the National Conference of State Legislatures (NCSL), at the request of the Michigan Legislature, conducted a study of the central, nonpartisan agencies and staff that are under the direction of the Legislative Council, including the Legislative Service Bureau, the Office of the Legislative Corrections Ombudsman, staff to the Joint Committee on Administrative Rules, and the Library of Michigan. The purpose of the study was to assess the organizational structure of the agencies under the Legislative Council, examine the usefulness of each agency, and identify opportunities for organizational streamlining. In December 1994, the NCSL completed the study and issued its report, which recommended several changes. At its March 1995 meeting, the Legislative Council decided to adopt some of the suggestions made by the NCSL study, and implement several other adaptations to restructure and refocus certain legislative agencies. Many of the changes could be made by amendments to Legislative Council rules; however, some of the recommendations, such as creating a position of Legislative Council administrator, narrowing the focus of the Corrections Ombudsman, and reducing the distribution of various free publications, could not be made without statutory changes.

**restrict the Corrections Ombudsman office to investigations of complaints forwarded by legislators, or significant prisoner health and safety issues; create the position of Legislative Council administrator; specify that Joint Committee on Administrative Rules staff are under the authority of the Legislative Council administrator; and place the Legislative Council administrator on the Library of Michigan board of trustees.** Following is a detailed description of the bills.

**Senate Bill 417**

The bill amended Public Act 44 of 1899, which provides for the publication and distribution of laws and State documents, to reduce the number of copies of the Michigan Compiled Laws, the Michigan Manual, and the Public and Local Acts required to be distributed; provide that the "publication" of these documents means the production and dissemination of the information in print, microfilm, microfiche, or electronic form; and remove some of the previous requirements for the publication of the Public and Local Acts. The bill also requires the Legislative Service Bureau, under Section 25(nn) of the Act, to include in the Michigan Manual the U.S. Constitution, including amendments, unless otherwise specifically directed by the Legislative Council. (Section 25 describes the required contents of the Michigan Manual. Subsection (nn) specifies, "Any other matter considered essential by the legislative service bureau if adequate funding is available".)

**CONTENT**

**The bills amended various laws to restrict the free distribution of the Michigan Manual, the Local and Public Acts, and other publications;**

The bill specifies that a sufficient number of publications of the Michigan Compiled Laws (MCL) must be provided to the Department of Management and Budget (DMB) for distribution as follows: one to each member of the Legislature, and 40 to the Secretary of the Senate and 114 to the Clerk of the House for use as desk copies by the members. Previously, in addition to distributing the MCL to those offices, the DMB had to distribute sets of the MCL to the Library of Congress, Governor, and Lieutenant Governor. The bill eliminated this provision.

Previously, Public Act 44 of 1899 required that additional sets of the MCL, upon written request to the Legislative Service Bureau (LSB), be distributed by the DMB in the quantities specified in the following manner: one set to each justice of the State Supreme Court, the clerk of the State Supreme Court, and the reporter of the State Supreme Court; four sets to the court administrator's office; one set to each judge of every court of the State, each prosecuting attorney, and each county law library; one set to the county board of commissioners of each county, which had to be located in the county courthouse and available to the public; one set to each State-supported university or college and each private university or college in the State accredited by the North Central Association of Colleges and Secondary Schools; 250 sets to the State Library for use in the library and for exchanges; and a number of sets, as determined by the LSB, for use in the executive office of the Governor, each State department, the Legislative Council, and offices, councils, bureaus, and committees of the Legislature. The bill eliminated these provisions.

The bill also eliminated a requirement that the DMB deliver a copy or copies of the Michigan Manual to the following offices and persons: Michigan Senators and Representatives in Congress; U.S. circuit and district court judges in Michigan; justices of the State Supreme Court; judges of the Court of Appeals; the judges of the circuit, district, and probate courts; each district, graded and city public school, and parochial school; each high school, public, private, and parochial; each public library other than school libraries; archives in, or a part of, public institutions in Michigan; and the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Public Service Commission, State Tax Commission, Department of Natural Resources, Financial Institutions Bureau,

Department of Agriculture, Insurance Bureau, Department of Labor, Corporation and Securities Bureau, Secretary of the Senate and Clerk of the House. The bill provides instead that the DMB must deliver one copy of the Michigan Manual to each member of the Legislature. The DMB may sell the publication, unless directed otherwise by the LSB, at a price determined by the LSB but not to exceed the cost of preparation and distribution.

Previously, upon written request to the LSB, the DMB had to distribute, without charge, one volume of the Public and Local Acts of each legislative session to the following: libraries of all State officers, departments, boards, commissions, and institutions; Senators and Representatives of Michigan in Congress; the Library of Congress; the U.S. Supreme Court and judges and clerks of the circuit and district courts of the U.S. in the State; justices, clerks, and the reporter of the State Supreme Court; judges of the Court of Appeals, circuit, recorder's, district, and municipal courts; and all public libraries and all county law libraries. The bill eliminated these provisions, as well as a requirement that 140 copies be deposited in the State Library. The bill provides instead that the DMB, unless otherwise directed by the LSB, must distribute 42 copies of the publication to the Senate and 120 to the House, to be used as desk copies.

The bill deleted a requirement that county clerks file a requisition for all copies of the Public and Local Acts for the needs of the counties, including county officers and townships, villages, and cities and their officers within the clerks' counties.

The bill eliminated provisions that required the Public and Local Acts to be compiled in a single bound volume and embossed on the spine with high quality gold stamping foil.

#### **Senate Bill 418**

The bill amended the Administrative Procedures Act to reduce the number of copies of the Michigan Register, and the Administrative Code and annual supplement to the Code, required to be distributed. The bill eliminated provisions that required the DMB to deliver or mail a copy of these documents to each standing committee of the Legislature; each member of the Legislature at the legislator's home; each attorney on the LSB staff; each division of the Department of Attorney General; each county law library, bar association library, and law school library in this State; and any other library in the State (upon request); three

copies to each State department; and any additional copies to any officer or agency of the State and any other officers, agencies, and libraries approved by the LSB. The bill requires instead that the DMB, unless otherwise directed by the LSB, provide copies of the documents to the Secretary of the Senate and Clerk of the House in sufficient numbers to supply each legislator.

Previously, members of the Legislature could retain copies of the Michigan Register and the Michigan Administrative Code sent to their homes. The DMB had to send to the home address of a new member of the Legislature the current volume of the Michigan Register and a complete copy of the Michigan Administrative Code. The DMB also had to deliver to the State Library the Michigan Register, the Michigan Administrative Code, and the annual supplement, when requested by the State Library sufficient for the Library's use and for exchanges. The bill eliminated these provisions.

The bill allows the Joint Committee on Administrative Rules to hire staff to assist the Committee. Supervision of the staff, budgeting, procurement, and related functions of the Committee must be performed by the Legislative Council administrator (whose position is created by Senate Bill 506).

### **Senate Bill 501**

The bill amended Public Act 46 of 1975, which governs the Legislative Corrections Ombudsman, to revise the procedures used by the Ombudsman in investigating complaints by prisoners. Previously, upon receiving a complaint or upon the Ombudsman's own initiative, the Ombudsman could investigate an administrative act by the Department of Corrections (DOC) that was alleged to be contrary to law or the Department's policy, unaccompanied by an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds. The bill provides instead that the Ombudsman may begin an investigation upon either of the following: receipt of a complaint from a legislator concerning an administrative act alleged by a prisoner to be contrary to law or departmental policy, or the Ombudsman's own initiative for significant prisoner health and safety issues and other matters for which there is no effective administrative remedy, as determined by the Legislative Council.

Under the bill, upon receiving and deciding to investigate a complaint, the Ombudsman must

notify the legislator who filed the complaint, the prisoner or prisoners affected, and the DOC. If the Ombudsman declines to investigate a complaint, he or she must notify the legislator in writing, and inform the prisoner or prisoners affected, of the reasons for the decision. The Ombudsman must submit a report of the findings of an investigation and make recommendations to the Legislative Council within 30 days of completing the investigation when the Ombudsman finds any of the following: a matter that should be considered by the DOC; an administrative act that should be modified or canceled; a statute or rule that should be altered; administrative acts for which justification is necessary; significant prisoner health and safety issues as determined by the Legislative Council; and any other significant concerns as determined by the Council. The Council may forward the report to the DOC, the prisoner or prisoners affected, or the legislator. The report is exempt from disclosure under the Freedom of Information Act.

Previously, the Ombudsman had to advise a complainant to pursue all administrative remedies or channels of complaint, and the Ombudsman could request and receive progress reports concerning the administrative processing of any complaint from the DOC and the complainant. After administrative action on a complaint, the Ombudsman could conduct further investigations upon request of the complainant or upon his or her own initiative. The bill deleted these provisions.

### **Senate Bills 506 and 507**

Senate Bill 506 amended the Legislative Council Act to require the Legislative Council to appoint a Council administrator, and prescribe the duties of the administrator. The Council administrator is to be the chief executive officer of the Legislative Service Bureau, the Michigan Law Revision Commission, and any other Legislative Council agency designated by the Council. The administrator is an at-will employee and must serve at the pleasure of the Council. The administrator has the following duties and responsibilities:

- To provide general supervisory oversight over all Legislative Council agencies.
- To provide personnel policy oversight and development for all Legislative Council agencies.
- To develop, prepare, and present Legislative Council agency budgets.

- To review quarterly financial statements of Legislative Council agencies and monitor budgetary compliance.
- To act as secretary to the Legislative Council, including but not limited to scheduling meetings for the Council and subcommittees; keeping and recording minutes and records; and performing other duties and responsibilities as assigned by the Council.

Previously, the Director of the Legislative Service Bureau was the secretary of the Council. The bill eliminated this provision.

The Act specifies that a writing prepared, owned, used, in the possession of, or retained by the Council is subject to the Freedom of Information Act. The bill exempts a report or recommendation prepared by the Legislative Corrections Ombudsman.

Senate Bill 507 amended the Library of Michigan Act to require that the Legislative Council administrator be a member of the 15-member Library of Michigan board of trustees, replacing the director of the Legislative Service Bureau. Further, the Legislative Council administrator and the State Librarian must coordinate the activities of the library with the Legislative Council. The bill replaced the director of the Bureau with the administrator in this position.

- MCL 24.1 et al. (S.B. 417)
- 24.235 & 24.259 (S.B. 418)
- 4.351 et al. (S.B. 501)
- 4.1102 et al. (S.B. 506)
- 397.12 et al. (S.B. 507)

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

At the Legislative Council meeting in March of last year, the Council decided to make various changes in the administration and organization of several agencies under its direction, including adopting some of the suggestions recommended in a report on Legislative Council agencies conducted by the NCSL. While the director of the LSB generally has been considered to have administrative responsibility for certain agencies under the Council, the director has few specified administrative powers. Reportedly, the Council felt

that it needed one person to be responsible for the administration of Council policies and direction, to be the general supervisor of all Legislative Council agencies, to centralize salary and personnel policies, and to develop and prepare Legislative Council agency budgets. Further, the Council decided to reduce certain costs, by restricting the free distribution of costly publications, and narrowing the scope of business conducted by the Legislative Corrections Ombudsman. While the Council could implement many changes by rule, some of its proposals to make its various agencies more efficient or refocus their missions had to be done in statute. The bills accomplish the desired changes.

Legislative Analyst: G. Towne  
S. Margules

**FISCAL IMPACT**

**Senate Bills 417 and 418**

There will be costs savings as a result of the reduction of the free distribution of the publications in the bills. The cost of production, storage, postage, and distribution will be lowered because the number of copies published will be reduced. The actual cost savings cannot be estimated at this time.

**Senate Bill 501**

The bill will result in reduced costs for the Office of the Legislative Corrections Ombudsman. The FY 1994-95 estimated expenditures for the Office are \$473,000. The FY 1995-96 appropriation for the Corrections Ombudsman is \$325,000 based on changes contained in this bill.

**Senate Bill 506**

The bill will result in additional costs to the Legislative Council. Costs will depend on the salary set for the Council administrator and any support staff requirements.

**Senate Bill 507**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.