

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 396

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
(MCL 4.1101 to 4.1901) by adding chapter 7A; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER 7A

SEC. 751. AS USED IN THIS CHAPTER:

(A) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON
GOVERNMENT EFFICIENCY ESTABLISHED IN THIS CHAPTER.

(B) "STATE AGENCY" MEANS 1 OR MORE OF THE FOLLOWING:

(i) A DEPARTMENT, COMMISSION, AUTHORITY, OR BOARD IN THE
EXECUTIVE BRANCH.

(ii) THE SUPREME COURT, COURT OF APPEALS, STATE COURT

1 ADMINISTRATIVE OFFICE, OR OTHER COMMISSION, OFFICE, OR AGENCY IN
2 THE JUDICIAL BRANCH.

3 SEC. 752. (1) THE LEGISLATIVE COMMISSION ON GOVERNMENT
4 EFFICIENCY IS CREATED WITHIN THE LEGISLATIVE COUNCIL.

5 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 9 MEMBERS:

6 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES.

8 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE
9 OF REPRESENTATIVES.

10 (C) THE DIRECTOR OF THE HOUSE FISCAL AGENCY.

11 (D) ONE MEMBER APPOINTED BY THE MAJORITY LEADER OF THE SENATE.

12 (E) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE.

13 (F) THE DIRECTOR OF THE SENATE FISCAL AGENCY.

14 (G) THREE MEMBERS JOINTLY SELECTED BY THE SPEAKER OF THE HOUSE
15 OF REPRESENTATIVES AND THE MAJORITY LEADER OF THE SENATE.

16 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
17 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
18 ACT THAT ADDED THIS CHAPTER.

19 (4) MEMBERS OF THE COMMISSION SHALL SERVE FOR A TERM OF 3
20 YEARS. A MEMBER OF THE COMMISSION SHALL DISCHARGE THE DUTIES OF HIS
21 OR HER POSITION IN A NONPARTISAN MANNER, WITH GOOD FAITH, AND WITH
22 THAT DEGREE OF DILIGENCE, CARE, AND SKILL THAT AN ORDINARILY
23 PRUDENT PERSON WOULD EXERCISE UNDER SIMILAR CIRCUMSTANCES IN A LIKE
24 POSITION.

25 (5) EXCEPT FOR THE MEMBERS APPOINTED UNDER SUBSECTION (2) (C)
26 AND (F), PUBLIC EMPLOYEES ARE NOT ELIGIBLE TO BE A MEMBER OF THE
27 COMMISSION. A PERSON WITH A BUSINESS OR FINANCIAL INTEREST IN A

1 CONTRACT WITH THIS STATE IS NOT ELIGIBLE TO BE A MEMBER OF THE
2 COMMISSION. MEMBERS OF THE COMMISSION SHALL BE INDIVIDUALS WHO HAVE
3 KNOWLEDGE OF, EDUCATION IN, OR EXPERIENCE WITH THE BEST PRACTICES
4 OF 1 OR MORE OF THE FOLLOWING FIELDS:

5 (A) ORGANIZATIONAL EFFICIENCY.

6 (B) GOVERNMENT OPERATIONS.

7 (C) PUBLIC FINANCE.

8 (D) ADMINISTRATIVE LAW.

9 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE MEMBER SHALL BE
10 REPLACED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

11 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
12 SPEAKER OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN 60 DAYS
13 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
14 CHAPTER. THE MEMBER APPOINTED BY THE MAJORITY LEADER OF THE SENATE
15 AND THE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
16 REPRESENTATIVES SHALL BE CO-CHAIRPERSONS OF THE COMMISSION. THE
17 CHAIRPERSON POSITION SHALL ROTATE EACH MONTH BETWEEN THE CO-
18 CHAIRPERSONS. THE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
19 REPRESENTATIVES SHALL BE THE CHAIRPERSON OF THE COMMISSION FOR THE
20 FIRST MONTH. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM
21 AMONG ITS MEMBERS OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
22 APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT
23 LEAST MONTHLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON
24 FOR THAT MONTH OR IF REQUESTED BY 3 OR MORE MEMBERS.

25 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
26 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
27 COMMISSION. A MAJORITY OF THE MEMBERS ARE REQUIRED FOR OFFICIAL

1 ACTION OF THE COMMISSION.

2 (9) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
3 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
4 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

5 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
6 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
7 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
8 MCL 15.231 TO 15.246.

9 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
10 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED
11 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
12 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION, SUBJECT TO
13 AVAILABLE APPROPRIATIONS.

14 (12) NOT LATER THAN DECEMBER 31, 2008, THE COMMISSION SHALL DO
15 ALL OF THE FOLLOWING:

16 (A) REVIEW AND INVESTIGATE WAYS TO MAKE STATE GOVERNMENT MORE
17 EFFICIENT.

18 (B) REVIEW, INVESTIGATE, AND COLLECT INFORMATION NECESSARY TO
19 EVALUATE ALL FUNCTIONS AND SERVICES PROVIDED BY EACH STATE AGENCY,
20 INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

21 (i) HUMAN RESOURCE DUTIES AND RESPONSIBILITIES.

22 (ii) PAYROLL SERVICES.

23 (iii) INTERNAL AUDITING, ACCOUNTING, AND FINANCIAL SERVICES.

24 (iv) PURCHASING PROGRAMS.

25 (v) PRINTING SERVICES.

26 (vi) MAIL SERVICES.

27 (vii) MAINTENANCE SERVICES.

1 (viii) JANITOR OR CLEANING SERVICES.

2 (ix) MOTOR VEHICLE FLEET OPERATIONS.

3 (x) TRANSPORTATION SERVICES.

4 (xi) FISCAL ANALYSIS.

5 (C) DETERMINE THE COMPLETE COST OF EACH FUNCTION OR SERVICE
6 PERFORMED BY A STATE AGENCY.

7 (D) DETERMINE THE TOTAL NUMBER OF FTES FOR EACH FUNCTION OR
8 SERVICE PERFORMED BY A STATE AGENCY.

9 (E) DETERMINE HOW EACH FUNCTION OR SERVICE IS FUNDED IN EACH
10 STATE AGENCY.

11 (F) DETERMINE THE TOTAL AND COMPLETE COST OF ALL FUNCTIONS AND
12 SERVICES COMBINED.

13 (G) REVIEW AND INVESTIGATE ALL FUNDED AND UNFUNDED MANDATES
14 IMPOSED ON STATE AGENCIES IN STATE LAW.

15 (H) REVIEW AND INVESTIGATE ALL REPORTING REQUIREMENTS IMPOSED
16 ON STATE AGENCIES IN STATE LAW.

17 (I) DETERMINE THE COMPLETE COST OF EACH FUNDED AND UNFUNDED
18 MANDATE IMPOSED ON A STATE AGENCY IN STATE LAW.

19 (J) DETERMINE THE COMPLETE COST OF EACH REPORTING REQUIREMENT
20 IMPOSED ON A STATE AGENCY IN STATE LAW.

21 (13) NOT LATER THAN OCTOBER 1, 2009, THE COMMISSION SHALL MAKE
22 SPECIFIC DETERMINATIONS OF THE ITEMS DESCRIBED IN SUBSECTION (12)
23 AND REPORT THOSE DETERMINATIONS TO EACH HOUSE OF THE LEGISLATURE
24 AND THE GOVERNOR. THE COMMISSION SHALL ALSO MAKE AN INTERIM REPORT
25 TO EACH HOUSE OF THE LEGISLATURE AND THE GOVERNOR ON THE STATUS OF
26 ITS DETERMINATIONS OF THE ITEMS DESCRIBED IN SUBSECTION (12) NOT
27 LATER THAN JUNE 1, 2009.

1 (14) THE GOVERNOR MAY DIRECT THAT STATE AGENCIES SUBJECT TO
2 THE SUPERVISION OF THE GOVERNOR UNDER SECTION 8 OF ARTICLE V OF THE
3 STATE CONSTITUTION OF 1963 PROVIDE INFORMATION TO THE COMMISSION TO
4 ASSIST THE COMMISSION IN FULFILLING ITS DUTIES UNDER THIS SECTION.
5 UPON REQUEST OF THE COMMISSION, THE COMMISSION SHALL BE GIVEN
6 ACCESS TO ALL INFORMATION, RECORDS, AND DOCUMENTS IN THE POSSESSION
7 OF A STATE AGENCY THAT THE COMMISSION CONSIDERS NECESSARY TO
8 FULFILL ITS DUTIES UNDER THIS SECTION. THE COMMISSION MAY HOLD
9 HEARINGS AND MAY REQUEST THAT ANY PERSON APPEAR BEFORE THE
10 COMMISSION, OR AT A HEARING, AND GIVE TESTIMONY OR PRODUCE
11 DOCUMENTARY OR OTHER EVIDENCE THAT THE COMMISSION CONSIDERS
12 RELEVANT TO ITS DUTIES UNDER THIS SECTION.

13 (15) IN CONNECTION WITH ITS DUTIES UNDER THIS SECTION, THE
14 COMMISSION MAY REQUEST THE LEGISLATIVE COUNCIL TO ISSUE A SUBPOENA
15 TO COMPEL THE ATTENDANCE AND TESTIMONY OF WITNESSES BEFORE THE
16 COMMISSION OR TO COMPEL THE PRODUCTION OF A BOOK, ACCOUNT, PAPER,
17 DOCUMENT, OR RECORD RELATED TO THE DUTIES OF THE COMMISSION UNDER
18 THIS SECTION. THE LEGISLATIVE COUNCIL MAY ISSUE THE SUBPOENA ONLY
19 UPON THE CONCURRENCE OF A MAJORITY OF THE HOUSE MEMBERS AND A
20 MAJORITY OF THE SENATE MEMBERS OF THE LEGISLATIVE COUNCIL. A PERSON
21 WHO REFUSES TO COMPLY WITH A SUBPOENA ISSUED BY THE LEGISLATIVE
22 COUNCIL UNDER THIS SUBSECTION MAY BE PUNISHED AS FOR CONTEMPT OF
23 THE LEGISLATURE.

24 Enacting section 1. Chapter 7A of the legislative council act,
25 1986 PA 268, MCL 4.1751 to 4.1753, is repealed effective September
26 30, 2010.

27 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 94th Legislature are
2 enacted into law:

3 (a) House Bill No. 5194.

4 (b) House Bill No. 5198.