

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:

1 CHAPTER 7A

2 SEC. 751. AS USED IN THIS CHAPTER:

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

5 (B) "STATE AGENCY" MEANS A DEPARTMENT, COMMISSION, AUTHORITY,  
6 OR BOARD IN THE EXECUTIVE BRANCH.

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

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

10 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF

1 REPRESENTATIVES.

2 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE  
3 OF REPRESENTATIVES.

4 (C) THE HEAD OF THE HOUSE FISCAL AGENCY.

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

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

7 (F) THE HEAD OF THE SENATE FISCAL AGENCY.

8 (G) THREE MEMBERS OF THE PUBLIC JOINTLY SELECTED BY THE  
9 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY LEADER OF  
10 THE SENATE.

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

14 (4) MEMBERS OF THE COMMISSION SHALL SERVE FOR A TERM OF 3  
15 YEARS.

16 (5) EXCEPT FOR THE MEMBERS APPOINTED UNDER SUBSECTION (2) (C)  
17 AND (F), PUBLIC EMPLOYEES ARE NOT ELIGIBLE TO BE A MEMBER OF THE  
18 COMMISSION. MEMBERS OF THE COMMISSION SHALL BE INDIVIDUALS WHO HAVE  
19 KNOWLEDGE OF, EDUCATION IN, OR EXPERIENCE WITH THE BEST PRACTICES  
20 OF 1 OR MORE OF THE FOLLOWING FIELDS:

21 (A) ORGANIZATIONAL EFFICIENCY.

22 (B) GOVERNMENT OPERATIONS.

23 (C) PUBLIC FINANCE.

24 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE PERSON WHO  
25 APPOINTED THE MEMBER SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED  
26 TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

27 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE

1 MAJORITY LEADER OF THE SENATE. THE MEMBER APPOINTED BY THE MAJORITY  
2 LEADER OF THE SENATE AND THE MEMBER APPOINTED BY THE SPEAKER OF THE  
3 HOUSE OF REPRESENTATIVES SHALL BE CO-CHAIRPERSONS OF THE  
4 COMMISSION. THE CHAIRPERSON POSITION SHALL ROTATE EACH MONTH  
5 BETWEEN THE CO-CHAIRPERSONS. THE MEMBER APPOINTED BY THE SPEAKER OF  
6 THE HOUSE OF REPRESENTATIVES SHALL BE THE CHAIRPERSON OF THE  
7 COMMISSION FOR THE FIRST MONTH. AT THE FIRST MEETING, THE  
8 COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS OTHER OFFICERS AS IT  
9 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE  
10 COMMISSION SHALL MEET AT LEAST MONTHLY, OR MORE FREQUENTLY AT THE  
11 CALL OF THE CHAIRPERSON FOR THAT MONTH OR IF REQUESTED BY 3 OR MORE  
12 MEMBERS.

13 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A  
14 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE  
15 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE  
16 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

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

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

24 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT  
25 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED  
26 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE  
27 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

1           (12) NOT LATER THAN OCTOBER 1, 2008, THE COMMISSION SHALL DO  
2 ALL OF THE FOLLOWING:

3           (A) REVIEW AND INVESTIGATE WAYS TO MAKE STATE GOVERNMENT MORE  
4 EFFICIENT.

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

8           (i) HUMAN RESOURCE DUTIES AND RESPONSIBILITIES.

9           (ii) PAYROLL SERVICES.

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

11          (iv) PURCHASING PROGRAMS.

12          (v) PRINTING SERVICES.

13          (vi) MAIL SERVICES.

14          (vii) MAINTENANCE SERVICES.

15          (viii) JANITOR OR CLEANING SERVICES.

16          (ix) MOTOR VEHICLE FLEET OPERATIONS.

17          (x) TRANSPORTATION SERVICES.

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

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

22          (E) DETERMINE HOW EACH FUNCTION OR SERVICE IS FUNDED IN EACH  
23 STATE AGENCY.

24          (F) DETERMINE THE TOTAL AND COMPLETE COST OF ALL FUNCTIONS AND  
25 SERVICES COMBINED.

26          (13) NOT LATER THAN JUNE 1, 2009, THE COMMISSION SHALL MAKE  
27 SPECIFIC DETERMINATIONS OF THE ITEMS DESCRIBED IN SUBSECTION (12)

1 AND REPORT THOSE DETERMINATIONS TO EACH HOUSE OF THE LEGISLATURE.  
2 THE COMMISSION SHALL ALSO MAKE INTERIM REPORTS TO EACH HOUSE OF THE  
3 LEGISLATURE ON THE STATUS OF ITS DETERMINATIONS OF THE ITEMS  
4 DESCRIBED IN SUBSECTION (12) NOT LATER THAN DECEMBER 31, 2008 AND  
5 MARCH 31, 2009.

6 (14) UPON REQUEST, THE COMMISSION SHALL BE GIVEN ACCESS TO ALL  
7 INFORMATION, RECORDS, AND DOCUMENTS IN THE POSSESSION OF A STATE  
8 AGENCY WHICH THE COMMISSION CONSIDERS NECESSARY IN ITS DUTIES. THE  
9 COMMISSION MAY HOLD HEARINGS AND MAY REQUEST THAT ANY PERSON APPEAR  
10 BEFORE THE COMMISSION, OR AT A HEARING, AND GIVE TESTIMONY OR  
11 PRODUCE DOCUMENTARY OR OTHER EVIDENCE WHICH THE COMMISSION  
12 CONSIDERS 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 SUBPOENAS,  
15 DIRECT THE SERVICE OF THE SUBPOENA BY ANY POLICE OFFICER, COMPEL  
16 THE ATTENDANCE AND TESTIMONY OF WITNESSES, ADMINISTER OATHS AND  
17 EXAMINE ANY PERSON AS MAY BE NECESSARY, AND COMPEL THE PRODUCTION  
18 OF BOOKS, ACCOUNTS, PAPERS, DOCUMENTS, AND RECORDS. THE ORDERS AND  
19 SUBPOENAS ISSUED BY THE LEGISLATIVE COUNCIL MAY BE ENFORCED UPON  
20 APPLICATION TO ANY CIRCUIT COURT AS PROVIDED BY LAW.

21 Enacting section 1. Chapter 7A of the legislative council act,  
22 1986 PA 268, MCL 4.1751 to 4.1753, is repealed effective September  
23 30, 2010.