

HOUSE BILL No. 6741

November 19, 2008, Introduced by Rep. Hammel and referred to the Committee on Government Operations.

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
by amending sections 782 and 783 (MCL 4.1782 and 4.1783), section
782 as added by 2007 PA 98 and section 783 as added by 2007 PA 99.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 782. (1) The legislative commission on statutory mandates
2 is created within the legislative council.

3 (2) The commission shall consist of the following 5 members:

4 (a) One member appointed by the speaker of the house of
5 representatives.

6 (b) One member appointed by the minority leader of the house
7 of representatives.

8 (c) One member appointed by the majority leader of the senate.

9 (d) One member appointed by the minority leader of the senate.

1 (e) One member of the public jointly selected by the speaker
2 of the house of representatives and the majority leader of the
3 senate, who is an attorney licensed to practice in this state.

4 (3) The members first appointed to the commission shall be
5 appointed within 60 days after ~~the effective date of the amendatory~~
6 ~~act that added this chapter~~ **OCTOBER 1, 2007**.

7 (4) Members of the commission shall serve for a term of 3
8 years. A member of the commission shall discharge the duties of his
9 or her position in a nonpartisan manner, with good faith, and with
10 that degree of diligence, care, and skill that an ordinarily
11 prudent person would exercise under similar circumstances in a like
12 position.

13 (5) Legislators and other state employees are not eligible to
14 be a member of the commission. Members of the commission shall be
15 individuals who have knowledge of, education in, or experience with
16 the best practices of 1 or more of the following fields:

17 (a) Organizational efficiency.

18 (b) Government operations.

19 (c) Public finance.

20 (d) Administrative law.

21 (6) If a vacancy occurs on the commission, the member shall be
22 replaced in the same manner as the original appointment.

23 (7) The first meeting of the commission shall be called by the
24 majority leader of the senate not later than 60 days after ~~the~~
25 ~~effective date of the amendatory act that added this chapter~~
26 **OCTOBER 1, 2007**. The member appointed by the majority leader of the
27 senate and the member appointed by the speaker of the house of

1 representatives shall be co-chairpersons of the commission. The
2 chairperson position shall rotate each month between the co-
3 chairpersons. The member appointed by the majority leader of the
4 senate shall be the chairperson of the commission for the first
5 month. At the first meeting, the commission shall elect from among
6 its members other officers as it considers necessary or
7 appropriate. After the first meeting, the commission shall meet at
8 least monthly, or more frequently at the call of the chairperson
9 for that month or if requested by 3 or more members.

10 (8) A majority of the members of the commission constitute a
11 quorum for the transaction of business at a meeting of the
12 commission. A majority of the members are required for official
13 action of the commission.

14 (9) The business that the commission may perform shall be
15 conducted at a public meeting of the commission held in compliance
16 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

17 (10) A writing prepared, owned, used, in the possession of, or
18 retained by the commission in the performance of an official
19 function is subject to the freedom of information act, 1976 PA 442,
20 MCL 15.231 to 15.246.

21 (11) Members of the commission shall serve without
22 compensation. However, members of the commission may be reimbursed
23 for reasonable and necessary expenses incurred in the performance
24 of their official duties as members of the commission subject to
25 available appropriations.

26 (12) Not later than ~~December 31, 2008~~ **JUNE 30, 2009**, the
27 commission shall ~~do~~ **COMPILE** all of the following **IN AN INTERIM**

1 **REPORT TO EACH HOUSE OF THE LEGISLATURE AND THE GOVERNOR:**

2 ~~(a) Review and investigate all~~ **THE MOST SIGNIFICANT** funded and
 3 unfunded mandates imposed on local units of government in state law
 4 **AS IDENTIFIED BY THOSE LOCAL UNITS OF GOVERNMENT.**

5 ~~(b) Review and investigate all~~ **THE MOST SIGNIFICANT** reporting
 6 requirements imposed on local units of government in state law **AS**
 7 **IDENTIFIED BY THOSE LOCAL UNITS OF GOVERNMENT.**

8 ~~(c) Determine the complete~~ **THE RANGE OF** cost **TO LOCAL UNITS OF**
 9 **GOVERNMENT of COMPLYING WITH** each funded and unfunded mandate
 10 ~~imposed on a local unit of government in state law~~ **IDENTIFIED IN**
 11 **SUBDIVISION (A) .**

12 ~~(d) Determine the complete~~ **THE RANGE OF** cost **TO LOCAL UNITS OF**
 13 **GOVERNMENT of COMPLYING WITH** each reporting requirement ~~imposed on~~
 14 ~~a local unit of government in state law~~ **IDENTIFIED IN SUBDIVISION**
 15 **(B) .**

16 (13) Not later than ~~October 1, 2009~~ **DECEMBER 31, 2009**, the
 17 commission shall make specific determinations of the items
 18 described in subsection (12) and report those determinations to
 19 each house of the legislature and the governor. ~~The commission~~
 20 ~~shall also make an interim report to each house of the legislature~~
 21 ~~and the governor on the status of its determinations of the items~~
 22 ~~described in subsection (12) not later than June 1, 2009.~~

23 (14) The governor may direct that state agencies subject to
 24 the supervision of the governor under section 8 of article V of the
 25 state constitution of 1963 provide information to the commission to
 26 assist the commission in fulfilling its duties under this section.
 27 Upon request of the commission, the commission shall be given

1 access to all information, records, and documents in the possession
2 of a state agency that the commission considers necessary to
3 fulfill its duties under this section. The commission may hold
4 hearings and may request that any person appear before the
5 commission, or at a hearing, and give testimony or produce
6 documentary or other evidence that the commission considers
7 relevant to its duties under this section.

8 (15) In connection with its duties under this section, the
9 commission may request the legislative council to issue a subpoena
10 to compel the attendance and testimony of witnesses before the
11 commission or to compel the production of a book, account, paper,
12 document, or record related to the duties of the commission under
13 this section. The legislative council may issue the subpoena only
14 upon the concurrence of a majority of the house members and a
15 majority of the senate members of the legislative council. A person
16 who refuses to comply with a subpoena issued by the legislative
17 council under this subsection may be punished as for contempt of
18 the legislature.

19 (16) AS USED IN THIS SECTION, "LOCAL UNIT OF GOVERNMENT"
20 INCLUDES CITIES, TOWNSHIPS, VILLAGES, COUNTIES, SCHOOL DISTRICTS,
21 INTERMEDIATE SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND COUNTY ROAD
22 COMMISSIONS.

23 Sec. 783. ~~In addition to the report required under section~~
24 ~~782, not later than December 1, 2009, the commission shall report~~
25 ~~to each house of the legislature~~ **THE COMMISSION SHALL INCLUDE IN**
26 **THE REPORT REQUIRED UNDER SECTION 782(13)** recommendations on how to
27 consolidate, streamline, or eliminate funded and unfunded mandates

- 1 and reporting requirements imposed on local units of government in
- 2 state law.