

SENATE BILL No. 398

April 17, 2007, Introduced by Senators PATTERSON, RICHARDVILLE, KAHN, PAPPAGEORGE, GILBERT, BIRKHOLZ, KUIPERS, JELINEK and BROWN and referred to the Committee on Government Operations and Reform.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER 7B

SEC. 781. AS USED IN THIS CHAPTER:

(A) "COMMISSION" MEANS THE COMMISSION ON STATUTORY MANDATES
ESTABLISHED IN THIS CHAPTER.

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

SEC. 782. (1) THE COMMISSION ON STATUTORY MANDATES IS CREATED
WITHIN THE LEGISLATIVE COUNCIL.

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

2 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES.

4 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE
5 OF REPRESENTATIVES.

6 (C) ONE MEMBER APPOINTED BY THE MAJORITY LEADER OF THE SENATE.

7 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE.

8 (E) ONE MEMBER OF THE PUBLIC JOINTLY SELECTED BY THE SPEAKER
9 OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY LEADER OF THE
10 SENATE, WHO IS AN ATTORNEY LICENSED TO PRACTICE IN THIS STATE.

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) IF A VACANCY OCCURS ON THE COMMISSION, THE PERSON WHO
17 APPOINTED THE MEMBER SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED
18 TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

19 (6) THE PERSON WHO APPOINTED THE MEMBER MAY REMOVE A MEMBER OF
20 THE COMMISSION FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE,
21 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

22 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
23 SPEAKER OF THE HOUSE OF REPRESENTATIVES. AT THE FIRST MEETING, THE
24 COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND
25 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE
26 FIRST MEETING, THE COMMISSION SHALL MEET AT LEAST MONTHLY, OR MORE
27 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 3 OR

1 MORE MEMBERS.

2 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
3 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
4 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
5 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

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

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

13 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
14 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED
15 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
16 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

17 (12) NOT LATER THAN JUNE 1, 2008, THE COMMISSION SHALL DO ALL
18 OF THE FOLLOWING:

19 (A) REVIEW AND INVESTIGATE ALL FUNDED AND UNFUNDED MANDATES IN
20 STATE LAW.

21 (B) REVIEW AND INVESTIGATE ALL REPORTING REQUIREMENTS IN STATE
22 LAW.

23 (C) DETERMINE THE COMPLETE COST OF EACH FUNDED AND UNFUNDED
24 MANDATE PERFORMED BY A STATE AGENCY.

25 (D) DETERMINE THE COMPLETE COST OF EACH REPORTING REQUIREMENT
26 REQUIRED BY A STATE AGENCY.

27 (13) NOT LATER THAN JUNE 1, 2009, THE COMMISSION SHALL MAKE

1 SPECIFIC DETERMINATIONS OF THE ITEMS DESCRIBED IN SUBSECTION (12)
2 AND REPORT THOSE DETERMINATIONS TO EACH HOUSE OF THE LEGISLATURE.

3 (14) IN CONNECTION WITH ITS DUTIES UNDER THIS SECTION, THE
4 COMMISSION MAY ISSUE SUBPOENAS, DIRECT THE SERVICE OF THE SUBPOENA
5 BY ANY POLICE OFFICER, AND COMPEL THE ATTENDANCE AND TESTIMONY OF
6 WITNESSES; MAY ADMINISTER OATHS AND EXAMINE ANY PERSON AS MAY BE
7 NECESSARY; AND MAY COMPEL THE PRODUCTION OF BOOKS, ACCOUNTS,
8 PAPERS, DOCUMENTS, AND RECORDS. THE ORDERS AND SUBPOENAS ISSUED BY
9 THE COMMISSION MAY BE ENFORCED UPON APPLICATION TO ANY CIRCUIT
10 COURT AS PROVIDED BY LAW.

11 Enacting section 1. Chapter 7B of the legislative council act,
12 1986 PA 268, MCL 4.1781 to 4.1783, is repealed effective September
13 30, 2010.