

Act No. 98
Public Acts of 2007
Approved by the Governor
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**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007**

Introduced by Senators Patterson, Richardville, Kahn, Pappageorge, Gilbert, Birkholz, Kuipers, Jelinek and Brown

ENROLLED SENATE BILL No. 398

AN ACT to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (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:

CHAPTER 7B

Sec. 781. As used in this chapter, “commission” means the legislative commission on statutory mandates established in this chapter.

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

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

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

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

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

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

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

(3) The members first appointed to the commission shall be appointed within 60 days after the effective date of the amendatory act that added this chapter.

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

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

- (a) Organizational efficiency.
- (b) Government operations.
- (c) Public finance.
- (d) Administrative law.

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

(7) The first meeting of the commission shall be called by the majority leader of the senate not later than 60 days after the effective date of the amendatory act that added this chapter. The member appointed by the majority leader of the senate and the member appointed by the speaker of the house of representatives shall be co-chairpersons of the commission. The chairperson position shall rotate each month between the co-chairpersons. The member appointed by the majority leader of the senate shall be the chairperson of the commission for the first month. At the first meeting, the commission shall elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least monthly, or more frequently at the call of the chairperson for that month or if requested by 3 or more members.

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

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

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

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

(12) Not later than December 31, 2008, the commission shall do all of the following:

- (a) Review and investigate all funded and unfunded mandates imposed on local units of government in state law.
- (b) Review and investigate all reporting requirements imposed on local units of government in state law.
- (c) Determine the complete cost of each funded and unfunded mandate imposed on a local unit of government in state law.
- (d) Determine the complete cost of each reporting requirement imposed on a local unit of government in state law.

(13) Not later than October 1, 2009, the commission shall make specific determinations of the items described in subsection (12) and report those determinations to each house of the legislature and the governor. The commission shall also make an interim report to each house of the legislature and the governor on the status of its determinations of the items described in subsection (12) not later than June 1, 2009.

(14) The governor may direct that state agencies subject to the supervision of the governor under section 8 of article V of the state constitution of 1963 provide information to the commission to assist the commission in fulfilling its duties under this section. Upon request of the commission, the commission shall be given access to all information, records, and documents in the possession of a state agency that the commission considers necessary to fulfill its duties under this section. The commission may hold hearings and may request that any person appear before the commission, or at a hearing, and give testimony or produce documentary or other evidence that the commission considers relevant to its duties under this section.

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

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

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

- (a) House Bill No. 5194.
- (b) House Bill No. 5198.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved _____

Governor