

HOUSE BILL No. 6016

March 25, 2010, Introduced by Reps. Terry Brown, Scripps, McDowell, Geiss, Haugh, Kandrevas, Slavens, Roberts, Byrum, Angerer, Robert Jones, Byrnes, Ebli, Meadows, Melton, Johnson, Corriveau, Bledsoe, Liss, Sheltroun, Haase, Valentine, Stanley, Roy Schmidt and Dean and referred to the Committee on Oversight and Investigations.

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending the title and sections 204c, 204d, 501, and 601 (MCL 4.1204c, 4.1204d, 4.1501, and 4.1601), the title as amended by 1988 PA 100, section 204c as added by 1998 PA 414, section 204d as added by 1998 PA 413, and section 601 as amended by 1999 PA 95, and by adding section 502; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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

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1 appropriated funds by legislative council agencies; to authorize
 2 the sale of access to certain computerized data bases; to establish
 3 fees; to create the Michigan commission on uniform state laws; to
 4 create a law revision commission; to create a ~~senate fiscal agency~~
 5 ~~and a house fiscal agency~~ **CERTAIN AGENCIES, BOARDS, AND COUNCILS;**
 6 to create a Michigan capitol committee; ~~to create a commission on~~
 7 ~~intergovernmental relations;~~ to prescribe the powers and duties of
 8 certain state agencies and departments; **AND** to repeal ~~certain acts~~
 9 and parts of acts. ; ~~and to repeal certain parts of this act on~~
 10 ~~specific dates.~~

11 Sec. 204c. (1) Notwithstanding section 204, ~~beginning July 1,~~
 12 ~~1999,~~ the council shall make each bill analysis prepared by the
 13 ~~house legislative analysis section or the senate~~ **LEGISLATIVE** fiscal
 14 agency during the current legislative session available to the
 15 public on the Internet.

16 (2) The information described in subsection (1) that is
 17 maintained by the council shall be made available in the shortest
 18 feasible time after the information is available. The information
 19 described in subsection (1) that is not maintained by the council
 20 shall be made available in the shortest feasible time after it is
 21 made available to the council.

22 (3) This section does not alter or relinquish any copyright or
 23 other proprietary interest or entitlement of this state relating to
 24 any of the information made available under this section.

25 (4) The council shall not charge a fee for the information
 26 provided in this section.

27 Sec. 204d. (1) Notwithstanding section 204, ~~beginning July 1,~~

1 ~~1999,~~ the council shall make each fiscal bill analysis prepared by
2 the ~~house fiscal agency or senate~~ **LEGISLATIVE** fiscal agency for the
3 current legislative session available to the public on the
4 Internet.

5 (2) The information described in subsection (1) that is
6 maintained by the council shall be made available in the shortest
7 feasible time after the information is available. The information
8 described in subsection (1) that is not maintained by the council
9 shall be made available in the shortest feasible time after it is
10 made available to the council.

11 (3) This section does not alter or relinquish any copyright or
12 other proprietary interest or entitlement of this state relating to
13 any of the information made available under this section.

14 (4) The council shall not charge a fee for the information
15 provided in this section.

16 Sec. 501. (1) ~~There~~ **UNTIL 60 DAYS AFTER THE EFFECTIVE DATE OF**
17 **THE AMENDATORY ACT THAT ADDED SECTION 502, THERE** is ~~created~~ a
18 nonpartisan agency to be known as the senate fiscal agency to be of
19 service to the appropriations committee of the senate and other
20 members of the senate. The senate fiscal agency shall be governed
21 by a board of 5 members, including the majority and minority
22 leaders of the senate, the chairperson of the appropriations
23 committee of the senate and 2 other members of the appropriations
24 committee of the senate to be appointed by the chairperson of the
25 appropriations committee with the concurrence of the majority
26 leader of the senate, 1 from the minority party.

27 (2) Except as otherwise provided by subsection (3), a writing

1 prepared, owned, used, in the possession of, or retained by the
2 senate fiscal agency in the performance of an official function
3 shall be made available to the public in compliance with the
4 freedom of information act, ~~Act No. 442 of the Public Acts of 1976,~~
5 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws 1976~~
6 **PA 442, MCL 15.231 TO 15.246.**

7 (3) An employee of the agency shall not reveal to any person
8 who is not an employee of the senate fiscal agency the contents or
9 nature of any bill, substitute, amendment, resolution, special
10 report, or proposal not yet published unless the employee has the
11 consent of the member who is sponsoring or requesting the bill,
12 substitute, amendment, resolution, special report, or proposal. A
13 bill shall not be considered published until it is introduced. A
14 substitute, an amendment, or a conference report shall be
15 considered published when received by the secretary of the senate,
16 clerk of the house of representatives, or both, as is appropriate.
17 As used in this subsection:

18 (a) "Special report" means a report that is requested by a
19 member of the senate to be prepared by the senate fiscal agency. A
20 special report shall not be considered published until it is
21 authorized for release by the member of the senate requesting the
22 report.

23 (b) "Proposal" means a plan or an activity ~~which~~**THAT** is under
24 consideration by a member of the senate. A proposal shall not be
25 considered published until it is authorized for release by the
26 member of the senate requesting the preparation of the proposal.

27 (4) Persons employed by the senate fiscal agency shall be

1 nontenured, at-will employees. The governing board of the senate
2 fiscal agency may discipline, transfer, demote, suspend, or
3 summarily discharge an employee.

4 SEC. 502. (1) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SECTION, THE LEGISLATIVE FISCAL AGENCY IS CREATED AS A
6 NONPARTISAN AGENCY TO BE OF SERVICE TO THE APPROPRIATIONS
7 COMMITTEES OF THE LEGISLATURE AND ALL MEMBERS OF THE LEGISLATURE.

8 (2) NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED THIS SECTION, THE DIRECTOR OF THE HOUSE
10 BUSINESS OFFICE, THE DIRECTOR OF THE HOUSE FISCAL AGENCY, AND THE
11 DIRECTOR OF THE SENATE FISCAL AGENCY SHALL CREATE, DEVELOP, AND
12 IMPLEMENT A BUSINESS PLAN TO CONSOLIDATE AND REORGANIZE THE HOUSE
13 AND SENATE FISCAL AGENCIES INTO THE LEGISLATIVE FISCAL AGENCY NOT
14 LATER THAN JANUARY 1, 2011. THE BUSINESS PLAN SHALL OUTLINE AND
15 DESCRIBE THE DUTIES, RESPONSIBILITIES, AUTHORITY, POWERS,
16 FUNCTIONS, PERSONNEL, EQUIPMENT, AND BUDGETARY RESOURCES INVOLVED
17 AS THEY ARE CONSOLIDATED AND REORGANIZED INTO THE LEGISLATIVE
18 FISCAL AGENCY AND SPECIFICALLY DESCRIBE HOW REDUNDANCIES SHALL BE
19 ELIMINATED AND HOW EFFICIENCIES SHALL BE INCREASED. THE BUSINESS
20 PLAN SHALL ALSO INCLUDE A TIMETABLE FOR THE CONSOLIDATION AND
21 REORGANIZATION. UPON COMPLETION OF THE CONSOLIDATION AND
22 REORGANIZATION, THE POWERS, DUTIES, AND FUNCTIONS OF THE HOUSE
23 LEGISLATIVE ANALYSIS SECTION, THE FORMER SENATE FISCAL AGENCY, AND
24 THE FORMER HOUSE FISCAL AGENCY ARE TRANSFERRED TO THE LEGISLATIVE
25 FISCAL AGENCY. ALL RECORDS, PERSONNEL, PROPERTY, AND UNEXPENDED
26 BALANCES OF APPROPRIATIONS, ALLOCATIONS, AND OTHER FUNDS USED,
27 HELD, EMPLOYED, OR AVAILABLE OR TO BE MADE AVAILABLE TO THE HOUSE

1 LEGISLATIVE ANALYSIS SECTION, THE FORMER SENATE FISCAL AGENCY, OR
2 THE FORMER HOUSE FISCAL AGENCY ARE TRANSFERRED TO THE LEGISLATIVE
3 FISCAL AGENCY.

4 (3) THE LEGISLATIVE FISCAL AGENCY SHALL BE GOVERNED BY A
5 GOVERNING BOARD OF 6 MEMBERS OF THE LEGISLATURE. THE MEMBERS OF THE
6 GOVERNING BOARD ARE AS FOLLOWS:

7 (A) THE SENATE MAJORITY LEADER.

8 (B) THE SENATE MINORITY LEADER.

9 (C) THE CHAIRPERSON OF THE SENATE APPROPRIATIONS COMMITTEE.

10 (D) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

11 (E) THE HOUSE MINORITY LEADER.

12 (F) THE CHAIRPERSON OF THE HOUSE APPROPRIATIONS COMMITTEE.

13 (4) THE MEMBERS OF THE GOVERNING BOARD OF THE LEGISLATIVE
14 FISCAL AGENCY SHALL MEET QUARTERLY. IN ADDITION TO THE QUARTERLY
15 MEETINGS, THE GOVERNING COMMITTEE SHALL MEET WITHIN 7 DAYS UPON
16 REQUEST OF 2 OR MORE MEMBERS OF THE GOVERNING COMMITTEE MADE TO THE
17 SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE SENATE MAJORITY
18 LEADER. THE GOVERNING COMMITTEE SHALL APPOINT A DIRECTOR OF THE
19 LEGISLATIVE FISCAL AGENCY, WHO SHALL SERVE AT THE PLEASURE OF THE
20 GOVERNING COMMITTEE.

21 (5) EXCEPT AS OTHERWISE PROVIDED BY SUBSECTION (6), A WRITING
22 PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE
23 LEGISLATIVE FISCAL AGENCY IN THE PERFORMANCE OF AN OFFICIAL
24 FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
25 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

26 (6) AN EMPLOYEE OF THE LEGISLATIVE FISCAL AGENCY SHALL NOT
27 REVEAL TO ANY PERSON WHO IS NOT AN EMPLOYEE OF THE LEGISLATIVE

1 FISCAL AGENCY THE CONTENTS OR NATURE OF ANY BILL, SUBSTITUTE,
2 AMENDMENT, RESOLUTION, SPECIAL REPORT, OR PROPOSAL NOT YET
3 PUBLISHED UNLESS THE EMPLOYEE HAS THE CONSENT OF THE MEMBER WHO IS
4 SPONSORING OR REQUESTING THE BILL, SUBSTITUTE, AMENDMENT,
5 RESOLUTION, SPECIAL REPORT, OR PROPOSAL. A BILL IS CONSIDERED
6 PUBLISHED WHEN IT IS INTRODUCED. A SUBSTITUTE, AN AMENDMENT, OR A
7 CONFERENCE REPORT IS CONSIDERED PUBLISHED WHEN RECEIVED BY THE
8 SECRETARY OF THE SENATE, THE CLERK OF THE HOUSE OF REPRESENTATIVES,
9 OR BOTH, AS APPLICABLE. AS USED IN THIS SUBSECTION:

10 (A) "SPECIAL REPORT" MEANS A REPORT THAT IS REQUESTED BY A
11 MEMBER OF THE LEGISLATURE TO BE PREPARED BY THE LEGISLATIVE FISCAL
12 AGENCY. A SPECIAL REPORT SHALL NOT BE CONSIDERED PUBLISHED UNTIL IT
13 IS AUTHORIZED FOR RELEASE BY THE MEMBER OF THE LEGISLATURE
14 REQUESTING THE REPORT.

15 (B) "PROPOSAL" MEANS A PLAN OR AN ACTIVITY THAT IS UNDER
16 CONSIDERATION BY A MEMBER OF THE LEGISLATURE. A PROPOSAL SHALL NOT
17 BE CONSIDERED PUBLISHED UNTIL IT IS AUTHORIZED FOR RELEASE BY THE
18 MEMBER OF THE LEGISLATURE REQUESTING THE PREPARATION OF THE
19 PROPOSAL.

20 (7) THE DIRECTOR OF THE LEGISLATIVE FISCAL AGENCY SHALL
21 PROVIDE QUARTERLY FINANCIAL STATEMENTS OF THE FINANCIAL AFFAIRS OF
22 THE LEGISLATIVE FISCAL AGENCY. THE QUARTERLY FINANCIAL STATEMENTS
23 SHALL BE SUBMITTED TO THE MEMBERS OF THE GOVERNING COMMITTEE AND
24 THE HOUSE OF REPRESENTATIVES AND SENATE NOT LATER THAN 30 DAYS
25 AFTER EACH CALENDAR QUARTER.

26 (8) AN EMPLOYEE OF THE LEGISLATIVE FISCAL AGENCY IS A
27 NONTENURED, AT-WILL EMPLOYEE. THE GOVERNING COMMITTEE OF THE

1 **LEGISLATIVE FISCAL AGENCY MAY DISCIPLINE, TRANSFER, DEMOTE,**
2 **SUSPEND, OR SUMMARILY DISCHARGE AN EMPLOYEE.**

3 Sec. 601. (1) ~~There~~ **UNTIL 60 DAYS AFTER THE EFFECTIVE DATE OF**
4 **THE AMENDATORY ACT THAT ADDED SECTION 502, THERE** is ~~created~~ a
5 nonpartisan agency to be known as the house fiscal agency to be of
6 service to the appropriations committee of the house of
7 representatives and other members of the house of representatives.

8 (2) The house fiscal agency shall be governed by a governing
9 committee. The members of the governing committee are as follows:

10 (a) If the house of representatives is controlled by co-
11 speakers pursuant to a joint leadership agreement between
12 republican and democratic members of the house of representatives,
13 the following 8 members of the house of representatives:

14 (i) The co-speakers.

15 (ii) The co-chairpersons of the appropriations committee.

16 (iii) The co-vice-chairpersons of the appropriations committee.

17 (iv) The co-floor leaders.

18 (b) If the house of representatives is controlled by a single
19 speaker, the following 6 members of the house of representatives:

20 (i) The speaker of the house.

21 (ii) The minority leader.

22 (iii) The chairperson of the appropriations committee.

23 (iv) The minority vice-chairperson of the appropriations
24 committee.

25 (v) The majority floor leader.

26 (vi) The minority floor leader.

27 (3) If the house of representatives is controlled by co-

1 speakers pursuant to a joint leadership agreement between
2 republican and democratic members of the house of representatives,
3 the co-chairpersons of the house appropriations committee are the
4 co-chairpersons of the governing committee of the house fiscal
5 agency. The co-chairpersons of the governing committee of the house
6 fiscal agency shall alternate as chairperson of the governing
7 committee. The democratic co-chairperson of the house
8 appropriations committee shall preside as chairperson in months
9 during which the presiding officers of the house of representatives
10 are republican and the republican co-chairperson of the house
11 appropriations committee shall preside as chairperson in months
12 during which the presiding officers of the house of representatives
13 are democratic. If the house of representatives is controlled by a
14 single speaker, the chairperson of the house appropriations
15 committee is the chairperson of the governing committee of the
16 house fiscal agency.

17 (4) The governing committee of the house fiscal agency shall
18 meet quarterly. In addition to the quarterly meetings, the
19 governing committee shall meet within 7 days upon request of 2 or
20 more members of the governing committee made to the co-speakers or
21 speaker of the house.

22 (5) Except as otherwise provided in subsection (6), a writing
23 prepared, owned, used, in the possession of, or retained by the
24 house fiscal agency in the performance of an official function
25 shall be made available to the public in compliance with the
26 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

27 (6) An employee of the house fiscal agency shall not reveal to

1 any person who is not an employee of the house fiscal agency the
2 contents or nature of any bill, substitute, amendment, resolution,
3 special report, or proposal not yet published unless the employee
4 has the consent of the member who is sponsoring or requesting the
5 bill, substitute, amendment, resolution, special report, or
6 proposal. A bill shall not be considered published until it is
7 introduced. A substitute, an amendment, or a conference report
8 shall be considered published when received by the secretary of the
9 senate or the clerk of the house of representatives, or both, as is
10 appropriate. As used in this subsection:

11 (a) "Special report" means a report that is requested by a
12 member of the house of representatives to be prepared by the house
13 fiscal agency. A special report shall not be considered published
14 until it is authorized for release by the member of the house of
15 representatives requesting the report.

16 (b) "Proposal" means a plan or an activity that is under
17 consideration by a member of the house of representatives. A
18 proposal shall not be considered published until it is authorized
19 for release by the member of the house of representatives
20 requesting the preparation of the proposal.

21 (7) The director of the house fiscal agency shall provide
22 quarterly financial statements of the financial affairs of the
23 house fiscal agency. The quarterly financial statements shall be
24 submitted to the members of the governing committee and the house
25 of representatives not later than 30 days after each calendar
26 quarter.

27 (8) Persons employed by the house fiscal agency shall be

1 nontenured, at-will employees. The governing committee of the house
2 fiscal agency may discipline, transfer, demote, suspend, or
3 summarily discharge an employee.

4 Enacting section 1. Section 204g of the legislative council
5 act, 1986 PA 268, MCL 4.1204g, is repealed.