

# HOUSE BILL No. 5149

December 10, 2015, Introduced by Rep. Townsend and referred to the Committee on Government Operations.

A bill to amend 1986 PA 268, entitled  
"Legislative council act,"  
(MCL 4.1101 to 4.1901) by adding chapter 7C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## CHAPTER 7C

SEC. 791. AS USED IN THIS CHAPTER:

(A) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON STATE AGENCIES CREATED IN SECTION 792.

(B) "STATE AGENCY" MEANS A DEPARTMENT, BOARD, COMMISSION, AGENCY, AUTHORITY, OR OTHER UNIT OF STATE GOVERNMENT.

SEC. 792. (1) THE LEGISLATIVE COMMISSION ON STATE AGENCIES IS CREATED WITHIN THE LEGISLATIVE COUNCIL.

(2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 12 MEMBERS:

(A) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1 (B) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE  
2 HOUSE OF REPRESENTATIVES.

3 (C) THREE MEMBERS APPOINTED BY THE MAJORITY LEADER OF THE  
4 SENATE.

5 (D) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE  
6 SENATE.

7 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE  
8 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
9 ACT THAT ADDED THIS CHAPTER.

10 (4) IF A VACANCY OCCURS ON THE COMMISSION, THE MEMBER SHALL BE  
11 REPLACED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

12 (5) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE  
13 SPEAKER OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN 60 DAYS  
14 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
15 CHAPTER. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM  
16 AMONG ITS MEMBERS OTHER OFFICERS AS IT CONSIDERS NECESSARY OR  
17 APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT  
18 LEAST MONTHLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR  
19 IF REQUESTED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION.

20 (6) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A  
21 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE  
22 COMMISSION. A MAJORITY OF THE MEMBERS ARE REQUIRED FOR OFFICIAL  
23 ACTION OF THE COMMISSION.

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

27 (8) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT

1    COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED  
2    FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE  
3    OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION SUBJECT TO  
4    AVAILABLE APPROPRIATIONS.

5            (9) THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

6            (A) EXAMINE EACH STATE AGENCY, DETERMINE THE NEED FOR THE  
7    FUNCTIONS THE AGENCY PERFORMS, AND RECOMMEND THE ABOLITION,  
8    CONTINUATION, OR REORGANIZATION OF EACH AFFECTED STATE AGENCY.

9            (B) RECOMMEND THE CONSOLIDATION, TRANSFER, OR REORGANIZATION  
10   OF PROGRAMS WITHIN STATE AGENCIES NOT UNDER REVIEW IF THE PROGRAMS  
11   DUPLICATE FUNCTIONS PERFORMED BY STATE AGENCIES UNDER REVIEW.

12           (C) RECOMMEND WAYS TO IMPROVE THE OPERATIONS OF EACH STATE  
13   AGENCY.

14           (D) RECOMMEND THE CONTINUATION OR ABOLITION OF EACH REPORTING  
15   REQUIREMENT IMPOSED ON THE STATE AGENCY.

16           (10) IN DETERMINING WHETHER A PUBLIC NEED EXISTS FOR THE  
17   CONTINUATION OF A STATE AGENCY OR FOR THE FUNCTIONS THE STATE  
18   AGENCY PERFORMS, THE COMMISSION SHALL CONSIDER ALL OF THE  
19   FOLLOWING:

20           (A) THE EFFICIENCY AND EFFECTIVENESS WITH WHICH THE STATE  
21   AGENCY OPERATES.

22           (B) AN IDENTIFICATION OF THE MISSION, GOALS, AND OBJECTIVES  
23   INTENDED FOR THE STATE AGENCY, THE PROBLEM OR NEED THAT THE STATE  
24   AGENCY WAS INTENDED TO ADDRESS, AND THE EXTENT TO WHICH THE  
25   MISSION, GOALS, AND OBJECTIVES HAVE BEEN ACHIEVED AND THE PROBLEM  
26   OR NEED HAS BEEN ADDRESSED.

27           (C) AN IDENTIFICATION OF ANY ACTIVITIES OF THE STATE AGENCY IN

1 ADDITION TO THOSE GRANTED BY STATUTE, THE AUTHORITY FOR THOSE  
2 ACTIVITIES, AND THE EXTENT TO WHICH THOSE ACTIVITIES ARE NEEDED.

3 (D) WHETHER LESS RESTRICTIVE OR ALTERNATIVE METHODS OF  
4 PERFORMING ANY FUNCTION THAT THE STATE AGENCY PERFORMS COULD  
5 ADEQUATELY PROTECT OR PROVIDE SERVICE TO THE PUBLIC.

6 (E) THE EXTENT TO WHICH THE JURISDICTION OF THE STATE AGENCY  
7 AND THE PROGRAMS ADMINISTERED BY THE STATE AGENCY OVERLAP OR  
8 DUPLICATE THOSE OF OTHER STATE AGENCIES, THE EXTENT TO WHICH THE  
9 STATE AGENCY COORDINATES WITH THOSE AGENCIES, AND THE EXTENT TO  
10 WHICH THE PROGRAMS ADMINISTERED BY THE STATE AGENCY CAN BE  
11 CONSOLIDATED WITH THE PROGRAMS OF OTHER STATE AGENCIES.

12 (11) THE COMMISSION SHALL FILE A REPORT BY SEPTEMBER 1 OF EACH  
13 YEAR WITH THE GOVERNOR AND THE LEGISLATURE OUTLINING ANY CHANGES  
14 THE COMMISSION DETERMINES ARE NECESSARY UNDER SUBSECTION (9) AND  
15 ANY RECOMMENDATIONS FOR LEGISLATION.

16 Enacting section 1. This amendatory act takes effect 90 days  
17 after the date it is enacted into law.