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Senate Joint Resolution O (as introduced 4-12-22)
Senate Bill 997 (as introduced 4-12-22)
Sponsor: Senator Ed McBroom
Committee: Oversight

Date Completed: 5-17-22

CONTENT

Senate Joint Resolution O would amend Article 4 (Legislative Branch) of the Michigan Constitution to create a joint oversight committee as a permanent bipartisan, bicameral committee under the Legislative Council and to prescribe its membership, and require the Auditor General to report at least annually to the committee.

Senate Bill 997 would amend the Public Act 1 of 2003, which provides for certain audits and examinations, to prescribe the committee's membership and its duties and powers, which would include receiving and reviewing from the Auditor General all post audits and reports completed under Section 53 of Article 4 of the Constitution, making recommendations to the Legislature, issuing subpoenas, and examining books and records.

Senate Bill 997 is tie-barred to Senate Joint Resolution O. If approved by two-thirds vote of each house of the Legislature, Senate Joint Resolution O would have to be submitted to the electors of the State at the next general election.

Senate Joint Resolution O

Auditor General

Section 53 of Article 4 of the Constitution requires the Legislature to appoint an auditor general. The Auditor General, upon direction by the Legislature, may make investigations pertinent to the conduct of audits.

The Auditor General must report annually to the Legislature and to the Governor and at such other times as he or she considers necessary or as required by the Legislature. Under the bill, the Auditor General also would have to report to the joint oversight committee.

Joint Oversight Committee

The bill would add Section 55 to Article 4 of the Constitution to create a joint oversight committee as a permanent bipartisan, bicameral committee in the Legislature under the Legislative Council. The committee would operate by procedures and carry out its powers and duties as prescribed by law.

The committee would have to receive and request audits from the Auditor General, the Executive Branch, and any other sources. The committee could investigate and inquire of the finances and performances of the government of the State and its subdivisions.

The committee would consist of the following eight members, not more than four of whom could be members of the same political party:

- Two members of the House of Representatives, appointed by the Speaker of the House.
- Two members of the House, appointed by the House Minority Leader.
- Two members of the Senate, appointed by the Senate Majority Leader.
- Two members of the Senate, appointed by the Senate Minority Leader.

A committee member would serve for a term as prescribed by law. A vacancy on the committee would have to be filled in the same manner as the original appointment. A member appointed in this manner would fill the vacancy for the balance of the term.

The Legislature would have to implement proposed Section 55 by appropriate legislation.

Senate Bill 997

Under the bill, as provided in Section 55 of Article 4 of the Constitution, the joint oversight committee would consist of the following eight members, not more than four of whom could be members of the same political party:

- Two members of the House of Representatives, appointed by the Speaker of the House.
- Two members of the House, appointed by the House Minority Leader.
- Two members of the Senate, appointed by the Senate Majority Leader.
- Two members of the Senate, appointed by the Senate Minority Leader.

The first members of the committee would have to be appointed within 60 days after the bill's effective date.

A committee member's term would be for the remainder of the legislative session during which the member was appointed to the committee, or until a successor was appointed, whichever was later.

As provided in Section 55 of Article IV of Constitution, a vacancy on the committee would have to be filled in the same manner as the original appointment, and a member appointed to fill a vacancy would fill the vacancy for the balance of the term. A member of the committee could be removed by either of the following:

- The individual who appointed that committee member, for good cause or necessity.
- The house of the Legislature that the committee member served in, by resolution adopted by a majority vote.

The Speaker of the House would have to designate one of the members appointed by him or her to call the first meeting of the committee. At the first meeting, the committee would have to do all of the following:

- Elect two or four co-chairpersons, not more than half of whom could be members of the same political party or house of the legislature.
- Elect a first chairperson from among the co-chairpersons; the co-chairpersons would have to alternate as chairperson every three months.
- Elect other officers that the committee considered necessary or appropriate.

The committee would have to meet at least quarterly, or more frequently at the call of the chairperson or at the request of a majority of its members. A majority of the committee members would constitute a quorum for transacting business. A vote of a majority of the committee members serving would be required for any action of the committee.

The committee would have to conduct its business according to rules adopted by the Legislature.

A committee member would not be entitled to compensation for serving on the committee.

The chairperson of the committee or a member designated by the chairperson, upon a majority vote of the committee, could administer oaths, subpoena witnesses, and examine books and records necessary to complete the review described below.

The committee would have to do both of the following:

- Receive from the Auditor General all post audits and reports completed under Section 53 of Article 4 of the Constitution.
- Review the post audits and reports.

The committee could make recommendations to the Legislature based on its review of post audits and reports. A recommendation would have to be submitted to the Speaker of the House and the Senate Majority Leader in a writing adopted by a majority of the members of the committee.

The committee could hire staff to assist the committee. The supervision of staff, budgeting, procurement, and related functions of the committee would have to be performed by the Council Administrator under the Legislative Council Act.

MCL 13.101 (S.B. 997)

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

Senate Joint Resolution O

The bill likely would have no fiscal impact on State or local government. While the committee would require a clerk to perform clerking duties for the committee, those duties likely would be filled with current staffing. However, if the committee had to hire a clerk for the committee, the average total cost for salary, benefits, and retirement for a State civil servant is an estimated \$124,400 Gross, \$67,200 General Fund/General Purpose (GF/GP).

Senate Bill 997

The bill could require the hiring of additional staff for the proposed committee; however, it would not be mandated in the bill and a number of possible staff is not provided. The hiring of additional staff would cost the State an average of \$124,400 Gross, \$67,200 GF/GP per employee hired. The number of additional staff to be hired is indeterminate.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.