

LEGISLATIVE COUNCIL ACT (EXCERPT)
Act 268 of 1986

CHAPTER 1
LEGISLATIVE COUNCIL.

4.1101 Short title.

Sec. 101. This act shall be known and may be cited as the "legislative council act".

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1102 Definitions.

Sec. 102. As used in this act:

(a) "Bureau" means the legislative service bureau.

(b) "Commission" means the Michigan law revision commission.

(c) "Council" means the legislative council.

(d) "Council administrator" means the chief executive officer of all legislative council agencies.

(e) "Legislative council agencies" means the bureau, commission, and any other legislative council agency designated by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1103 Legislative council; creation; appointment, qualifications, and terms of members; alternates; removal; vacancies; expenses.

Sec. 103. There is created within the legislative branch of state government a bipartisan legislative council to consist of 6 members of the house to be appointed by the speaker, not less than 2 of whom shall be members of the minority party, and 6 members of the senate to be appointed by the majority leader, not less than 2 of whom shall be members of the minority party. The speaker and senate majority leader may each appoint 3 alternates to the council who may vote in the absence of any of the regular 6 council members. The majority and minority alternates shall only vote in place of an absent member of the same party. Members and alternates shall be appointed or removed in the same manner as members of standing committees are appointed or removed in each house. Vacancies shall be filled in the same manner as original appointments. Members shall serve terms concurrent with their term in the legislature and until their successors are appointed and qualified. Members of the council may be reimbursed for expenses incurred in the administration of their duties.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1104 Legislative council; election of chairperson and alternate chairperson; meetings; notice; rules; quorum; report; oaths; subpoena of witnesses; examination of books and records; creation of subcommittees; expenses; availability of writings to public.

Sec. 104. (1) Annually the council shall elect from its membership a chairperson and alternate chairperson who shall be from different houses. The position of chairperson shall alternate between the senate and the house of representatives.

(2) The business which the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(3) The council shall meet not less than 3 times per year. Special meetings shall be held on call of the chairperson or a majority of the members of the council. The council shall prescribe rules for its own procedure. A majority of the council constitutes a quorum, but a smaller number may transact routine business and receive reports from the staff. A majority of the membership shall concur in any recommendation of the council.

(4) The council may report its findings and recommendations to the legislature and may accompany the council's report with proposed bills to implement its recommendations.

(5) The chairperson of the council or a member designated by the chairperson, upon majority vote of the council may administer oaths, subpoena witnesses, and examine books and records of a person, partnership, or corporation involved in a matter properly before the council. The council may create subcommittees that may include members of the legislature who are not members of the council. Noncouncil members of subcommittees may be reimbursed for expenses incurred in the administration of their duties.

(6) Except for a report or recommendation prepared by the legislative corrections ombudsman under

section 10 of Act No. 46 of the Public Acts of 1975, being section 4.360 of the Michigan Compiled Laws, a writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1104a Council administrator; appointment; duties; responsibilities.

Sec. 104a. (1) The council shall appoint a council administrator who shall be the chief executive officer of all legislative council agencies. The council administrator is an at-will employee and shall serve at the pleasure of the council. The council administrator has all the following duties and responsibilities:

- (a) To provide general supervisory oversight over all legislative council agencies.
- (b) To provide personnel policy oversight and development for all legislative council agencies.
- (c) To develop, prepare, and present legislative council agency budgets.
- (d) To review quarterly financial statements of legislative council agencies and monitor budgetary compliance.
- (e) To act as secretary to the council, including but not limited to the following:
 - (i) Scheduling of meetings for the council and subcommittees.
 - (ii) Keeping and recording of minutes and records of meetings.
- (f) To perform other duties and responsibilities as determined and assigned by the council.

(2) In addition to the responsibilities provided in subsection (1), at the direction of the Michigan state capitol commission, the council administrator shall do both of the following:

- (a) Administer compensation, benefits, and other personnel support for the employees of the Michigan state capitol commission.
- (b) Administer computer, telephone, and technical support for employees of the Michigan state capitol commission.

History: Add. 1995, Act 189, Imd. Eff. Nov. 6, 1995;—Am. 2013, Act 241, Eff. Mar. 14, 2014.

Compiler's note: Enacting section 1 of Act 241 of 2013 provides:

"Enacting section 1. (1) Section 205 of the legislative council act, 1986 PA 268, MCL 4.1205, is repealed.

"(2) Upon repeal of section 205 of the legislative council act, 1986 PA 268, MCL 4.1205, as provided in subsection (1), any money in the legislative council parking fund created in that section is transferred to the state capitol parking fund created in section 9 of the Michigan state capitol historic site act."

4.1105 Legislative service bureau; creation; bill drafting, research, and other services; organization; appointment of director to serve at pleasure of council; duties, qualifications, and compensation of director.

Sec. 105. The council shall maintain bill drafting, research, and other services for the members of the legislature in a bureau to be known as the legislative service bureau which is hereby created. The bureau shall provide bill drafting, research, and other services and shall be organized into divisions as authorized by the council. The council shall appoint a director of the legislative service bureau who shall serve at the pleasure of the council. The director shall devote his or her full time to the duties of the office, shall be qualified by experience and ability to conduct the work of the office, and shall receive such compensation as fixed by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1106 Director as chief administrative officer of bureau; employment and compensation of employees; employees as nontenured, at-will employees; discipline, transfer, demotion, or summary discharge of employee; management of bureau; expenses; responsibilities of council.

Sec. 106. The director of the bureau shall be the chief administrative officer of the bureau. With the approval of the council, the director shall employ such employees as may be necessary and fix their compensation within the appropriation made by the legislature for this purpose. Persons employed by the director shall be nontenured, at-will employees. The director may discipline, transfer, demote, suspend, or summarily discharge an employee. The director shall have charge of the routine management of the bureau and may incur such expenses as may be necessary for carrying out the provisions of this act, to be paid out of appropriations made by the legislature for the operation of the bureau. The council shall be responsible for the general program and policies of the bureau and for the preparation and enforcement of rules and regulations concerning the services to be rendered.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1107 Legislative reference library; research services; technical and other assistance.

Sec. 107. The bureau shall maintain a legislative reference library containing material which may be of use in connection with legislation. Upon request, the bureau shall furnish research services to members of the legislature. The bureau shall furnish such technical and other assistance to legislative committees as may be authorized by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1108 Legislative service bureau; drafting duties; publication of general laws in force; publication of public and local acts.

Sec. 108. The bureau shall:

(a) At the request of the members of the legislature, draft bills and resolutions or amendments to, or substitutes for, bills and resolutions; draft conference committee reports; and examine, check, and compare pending bills with other pending bills and existing laws to avoid so far as possible contrary or conflicting provisions.

(b) At the request of the members of the legislature, draft joint rules of the legislature or rules of the house of representatives or the senate, or amendments to those rules.

(c) Prepare a definite plan for the order, classification, arrangement, printing, and binding of the general laws in force.

(d) Prepare catchlines, indexes, and tables for the public and local acts of each session of the legislature.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1109 Employees not to urge or oppose legislation; duties of employees; recommendation of legislation by director; confidentiality.

Sec. 109. An employee of the bureau shall not urge or oppose legislation, but upon request shall aid and assist the members of the legislature by advising as to bills and resolutions and by furnishing to them the fullest information upon all matters within the scope of the bureau relating to their public duties. However, the director may recommend legislation to the legislative council or the law revision commission. An employee of the bureau shall not reveal to any person outside the bureau the contents or nature of any matter not yet published without the consent of the person bringing the matter before the bureau. A substitute recommended by a committee, an amendment recommended by a committee, or a conference report shall be considered published when received by the clerk of the house of representatives or secretary of the senate or both, as is appropriate. The clerk of the house of representatives or the secretary of the senate, as is appropriate, shall notify the bureau upon receipt of a substitute, an amendment recommended by a committee, or a conference committee report.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1110 Text of statutes, constitution, index, and other matter included in compiled laws; maintenance; use of materials for departmental publications.

Sec. 110. The bureau shall maintain the text of the statutes, the constitution, the index, and other matter included in the compiled laws and make the text conform to the statutes and constitution as thereafter added, altered, repealed, or amended. The bureau shall preserve such parts of the catchlines, indexes, and tables prepared for the public and local acts as may be useful in maintaining the general statutes contained in the compilation. Any of the materials so maintained, by agreement made with the director upon approval of the council, may be used in the publication of such portions of the constitution and statutes as may be agreed upon for any department or agency of the state or political subdivision of the state.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.