

SUBSTITUTE FOR
SENATE BILL NO. 398

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
(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:

1 CHAPTER 7B

2 SEC. 781. AS USED IN THIS CHAPTER:

3 (A) "COMMISSION" MEANS THE COMMISSION ON STATUTORY MANDATES
4 ESTABLISHED IN THIS CHAPTER.

5 (B) "STATE AGENCY" MEANS A DEPARTMENT, COMMISSION, AUTHORITY,
6 OR BOARD IN THE EXECUTIVE BRANCH.

7 SEC. 782. (1) THE COMMISSION ON STATUTORY MANDATES IS CREATED
8 WITHIN THE LEGISLATIVE COUNCIL.

9 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 5 MEMBERS:

1 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES.

3 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE
4 OF REPRESENTATIVES.

5 (C) ONE MEMBER APPOINTED BY THE MAJORITY LEADER OF THE SENATE.

6 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE.

7 (E) ONE MEMBER OF THE PUBLIC JOINTLY SELECTED BY THE SPEAKER
8 OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY LEADER OF THE
9 SENATE, WHO IS AN ATTORNEY LICENSED TO PRACTICE IN THIS STATE.

10 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
11 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
12 ACT THAT ADDED THIS CHAPTER.

13 (4) MEMBERS OF THE COMMISSION SHALL SERVE FOR A TERM OF 3
14 YEARS.

15 (5) LEGISLATORS AND OTHER STATE EMPLOYEES ARE NOT ELIGIBLE TO
16 BE A MEMBER OF THE COMMISSION. MEMBERS OF THE COMMISSION SHALL BE
17 INDIVIDUALS WHO HAVE KNOWLEDGE OF, EDUCATION IN, OR EXPERIENCE WITH
18 THE BEST PRACTICES OF 1 OR MORE OF THE FOLLOWING FIELDS:

19 (A) ORGANIZATIONAL EFFICIENCY.

20 (B) GOVERNMENT OPERATIONS.

21 (C) PUBLIC FINANCE.

22 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE PERSON WHO
23 APPOINTED THE MEMBER SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED
24 TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

25 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
26 MAJORITY LEADER OF THE SENATE. THE MEMBER APPOINTED BY THE MAJORITY
27 LEADER OF THE SENATE AND THE MEMBER APPOINTED BY THE SPEAKER OF THE

1 HOUSE OF REPRESENTATIVES SHALL BE CO-CHAIRPERSONS OF THE
2 COMMISSION. THE CHAIRPERSON POSITION SHALL ROTATE EACH MONTH
3 BETWEEN THE CO-CHAIRPERSONS. THE MEMBER APPOINTED BY THE SPEAKER OF
4 THE HOUSE OF REPRESENTATIVES SHALL BE THE CHAIRPERSON OF THE
5 COMMISSION FOR THE FIRST MONTH. AT THE FIRST MEETING, THE
6 COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS OTHER OFFICERS AS IT
7 CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE
8 COMMISSION SHALL MEET AT LEAST MONTHLY, OR MORE FREQUENTLY AT THE
9 CALL OF THE CHAIRPERSON FOR THAT MONTH OR IF REQUESTED BY 3 OR MORE
10 MEMBERS.

11 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
12 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
13 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
14 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

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

18 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
19 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
20 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
21 MCL 15.231 TO 15.246.

22 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
23 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED
24 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
25 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

26 (12) NOT LATER THAN OCTOBER 1, 2008, THE COMMISSION SHALL DO
27 ALL OF THE FOLLOWING:

1 (A) REVIEW AND INVESTIGATE ALL FUNDED AND UNFUNDED MANDATES
2 IMPOSED ON LOCAL UNITS OF GOVERNMENT IN STATE LAW.

3 (B) REVIEW AND INVESTIGATE ALL REPORTING REQUIREMENTS IMPOSED
4 ON LOCAL UNITS OF GOVERNMENT IN STATE LAW.

5 (C) DETERMINE THE COMPLETE COST OF EACH FUNDED AND UNFUNDED
6 MANDATE IMPOSED ON A LOCAL UNIT OF GOVERNMENT IN STATE LAW.

7 (D) DETERMINE THE COMPLETE COST OF EACH REPORTING REQUIREMENT
8 IMPOSED ON A LOCAL UNIT OF GOVERNMENT IN STATE LAW.

9 (13) NOT LATER THAN JUNE 1, 2009, THE COMMISSION SHALL MAKE
10 SPECIFIC DETERMINATIONS OF THE ITEMS DESCRIBED IN SUBSECTION (12)
11 AND REPORT THOSE DETERMINATIONS TO EACH HOUSE OF THE LEGISLATURE.
12 THE COMMISSION SHALL ALSO MAKE INTERIM REPORTS TO EACH HOUSE OF THE
13 LEGISLATURE ON THE STATUS OF ITS DETERMINATIONS OF THE ITEMS
14 DESCRIBED IN SUBSECTION (12) NOT LATER THAN DECEMBER 31, 2008 AND
15 MARCH 31, 2009.

16 (14) UPON REQUEST, THE COMMISSION SHALL BE GIVEN ACCESS TO ALL
17 INFORMATION, RECORDS, AND DOCUMENTS IN THE POSSESSION OF A STATE
18 AGENCY WHICH THE COMMISSION CONSIDERS NECESSARY IN ITS DUTIES. THE
19 COMMISSION MAY HOLD HEARINGS AND MAY REQUEST THAT ANY PERSON APPEAR
20 BEFORE THE COMMISSION, OR AT A HEARING, AND GIVE TESTIMONY OR
21 PRODUCE DOCUMENTARY OR OTHER EVIDENCE WHICH THE COMMISSION
22 CONSIDERS RELEVANT TO ITS DUTIES UNDER THIS SECTION.

23 (15) IN CONNECTION WITH ITS DUTIES UNDER THIS SECTION, THE
24 COMMISSION MAY REQUEST THE LEGISLATIVE COUNCIL TO ISSUE SUBPOENAS,
25 DIRECT THE SERVICE OF THE SUBPOENA BY ANY POLICE OFFICER, COMPEL
26 THE ATTENDANCE AND TESTIMONY OF WITNESSES, ADMINISTER OATHS AND
27 EXAMINE ANY PERSON AS MAY BE NECESSARY, AND COMPEL THE PRODUCTION

1 OF BOOKS, ACCOUNTS, PAPERS, DOCUMENTS, AND RECORDS. THE ORDERS AND
2 SUBPOENAS ISSUED BY THE LEGISLATIVE COUNCIL MAY BE ENFORCED UPON
3 APPLICATION TO ANY CIRCUIT COURT AS PROVIDED BY LAW.

4 Enacting section 1. Chapter 7B of the legislative council act,
5 1986 PA 268, MCL 4.1781 to 4.1783, is repealed effective September
6 30, 2010.