

HOUSE BILL NO. 5296

November 03, 2023, Introduced by Reps. Steele, Kuhn, Cavitt, Kunse, Bierlein, Tisdell, Aragona, Jaime Greene, Borton, Rigas, Martin, DeBoer, Schmaltz, Paquette, Alexander, Prestin, Markkanen, Thompson, Beson, Friske, Carra, Meerman, Maddock, Neyer, Zorn, Bruck, BeGole, St. Germaine, DeBoyer, Hoadley, Wozniak, Harris, Outman, Beeler, VanderWall, Johnsen, Smit, DeSana, Fox, Roth, Bezotte, Posthumus, Schriver and Mueller and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding sections 364 and 364a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 364. (1) A Michigan Compiled Law may not be amended by an**
2 **appropriation bill.**

3 **(2) The house of representatives shall not consider a general**
4 **appropriation bill on second reading and the senate shall not**
5 **consider a general appropriation bill on general orders, unless,**
6 **not less than 168 hours before consideration on second reading or**

1 general orders during a regular session and not less than 72 hours
2 before consideration on second reading or general orders during a
3 special session, all of the following occur:

4 (a) A printed copy of the general appropriation bill is placed
5 in the mailbox of each member of that house.

6 (b) An electronic copy of the general appropriation bill is
7 made available to each member of that house in an electronic
8 searchable format.

9 (c) Notice of the availability of the electronic copy
10 described in subdivision (b) is provided to the designated email
11 address of each member of that house. A legislator shall designate
12 an email address for purposes of this subdivision by notifying the
13 clerk of the house of representatives or the secretary of the
14 senate, as applicable. If a legislator does not designate an email
15 address, the legislator's publicly available house of
16 representatives or senate email address may be used.

17 (d) At the same time the electronic copy described in
18 subdivision (b) is made available to each member of that house, the
19 electronic copy is posted on the publicly available website of that
20 house's fiscal agency.

21 (3) If a house of the legislature is convened in regular
22 session, an amendment to a general appropriation bill may not be
23 offered on second or third reading in the house of representatives
24 or general orders or third reading in the senate unless the
25 amendment has been provided to the clerk of the house of
26 representatives or the secretary of the senate, as applicable, not
27 less than 72 hours before consideration of the general
28 appropriation bill on second reading, general orders, or third
29 reading.

1 (4) As used in this section, "legislator" or "member" means a
2 person duly elected and serving in the Michigan house of
3 representatives or the Michigan senate.

4 Sec. 364a. (1) A conference committee shall limit its
5 discussions and actions solely to matters of disagreement between
6 the 2 houses of the legislature. A conference committee may not do
7 any of the following:

8 (a) Change, alter, or amend text that is not in disagreement.

9 (b) Omit text that is not in disagreement.

10 (c) Add text on a matter that is not in disagreement.

11 (d) Add text on a matter that is not included in either the
12 house of representatives version or the senate version of the bill
13 or resolution.

14 (2) In addition to the restrictions under subsection (1), all
15 of the following restrictions apply to a conference committee on an
16 appropriation bill:

17 (a) If an item of appropriation appears in both the house of
18 representatives version and the senate version of the appropriation
19 bill in identical amounts, a change may not be made to the item or
20 amount.

21 (b) If an item of appropriation appears in both the house of
22 representatives version and the senate version of the appropriation
23 bill in different amounts, a change may not be made to the item,
24 but the amount may be changed at the discretion of the conference
25 committee subject to both of the following requirements:

26 (i) The amount may not exceed the higher amount between the 2
27 versions.

28 (ii) The amount may not be less than the lower amount between
29 the 2 versions.

1 (c) If an item appears in the appropriation bill of one house,
2 but not the other, the item may be included or omitted at the
3 discretion of the conference committee. However, if the item is
4 included, the amount of the item may not exceed the amount
5 appropriated for that item in the appropriation bill in which the
6 item appears.

7 (d) Except as otherwise provided in this subsection, if an
8 item of appropriation is not included in either the house of
9 representatives version or the senate version of the appropriation
10 bill, the item may not be included in the conference committee
11 report. However, the conference report may include appropriations
12 for purposes or programs authorized by bills that have been passed
13 and sent to the governor and may include contingent appropriations
14 for purposes or programs authorized by bills that have been passed
15 by at least 1 house.

16 (3) A house of the legislature may, by resolution passed by a
17 majority vote of that house pursuant to a record roll call vote,
18 suspend the limitations imposed on conference committees by
19 subsections (1) and (2) to allow consideration of and action on a
20 specific matter or matters that otherwise would be prohibited. A
21 resolution under this subsection is privileged in nature and does
22 not have to be referred to a committee. A resolution under this
23 subsection may be announced from the house floor and considered as
24 follows:

25 (a) Except as otherwise provided in subdivision (b), 3 hours
26 after a copy of the resolution has been distributed to each member.

27 (b) For a resolution suspending limitations on a conference
28 committee considering a general appropriation bill, 48 hours in a
29 regular session and 24 hours in a special session after a copy of

1 the resolution has been distributed to each member.

2 (4) A conference committee report on a general appropriations
3 bill must be printed and a copy furnished to each member at least
4 48 hours before action may be taken on the report by a house of the
5 legislature during a regular session or at least 28 hours before
6 action may be taken by a house of the legislature during a special
7 session. All other conference reports must be printed and a copy
8 furnished to each member at least 24 hours before action may be
9 taken on the report by a house of the legislature during a regular
10 or special session.

11 (5) Three original copies of a conference report must be
12 submitted to the clerk of the house of representatives or the
13 secretary of the senate, as applicable, for printing. Each original
14 conference report must contain all of the following:

15 (a) The signatures of the house of representatives and senate
16 conferees who voted to adopt the conference report.

17 (b) The text of the bill or resolution as adopted by the
18 conference committee.

19 (c) An analysis of the conference report as required by
20 subsection (7).

21 (6) Before a house of the legislature may take action on a
22 conference report on a bill or resolution, other than a general
23 appropriations bill, a fiscal note outlining the fiscal
24 implications and probable cost of the conference report must be
25 submitted to the clerk of the house of representatives or the
26 secretary of the senate, as applicable, and a copy of the fiscal
27 note must be distributed with the conference report on its
28 printing.

29 (7) All conference reports must include an analysis showing

1 the differences between the house of representatives and senate
2 versions of the bill or resolution. The analysis of an
3 appropriation bill must show in dollar amounts the differences
4 between the conference report and the house of representatives and
5 senate versions of the appropriation bill. A house of the
6 legislature may not consider a conference report until the analysis
7 under this subsection has been prepared and distributed to each
8 member.

9 (8) The analysis under subsection (7) must, to the extent
10 practical, indicate any instance where the conference committee in
11 its conference report appears to have exceeded the limitations
12 imposed on its jurisdiction by subsections (1) to (3). An analysis
13 and the conference report in which the analysis is included are not
14 subject to a point of order due to a failure to comply with this
15 subsection or due to a mistake made in complying with this
16 subsection.

17 (9) This section must be strictly construed by the presiding
18 officer in each house to achieve the purposes of this section.

19 (10) As used in this section:

20 (a) "Member" means that term as defined in section 364.

21 (b) "Record roll call vote" means a vote in which each
22 member's "aye" or "nay", or "yes" or "no", is recorded.