

HOUSE BILL No. 4474

March 19, 2013, Introduced by Reps. McCann, Hovey-Wright, Knezek, Ananich, Schor and Lipton and referred to the Committee on Tax Policy.

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
by amending sections 501 and 601 (MCL 4.1501 and 4.1601), section
601 as amended by 1999 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 501. (1) There is created a nonpartisan agency to be
2 known as the senate fiscal agency to be of service to the
3 appropriations committee of the senate and other members of the
4 senate. The senate fiscal agency shall be governed by a board of 5
5 members, including the majority and minority leaders of the senate,
6 the chairperson of the appropriations committee of the senate and 2
7 other members of the appropriations committee of the senate to be
8 appointed by the chairperson of the appropriations committee with
9 the concurrence of the majority leader of the senate, 1 from the
10 minority party.

1 (2) Except as otherwise provided by subsection (3), a writing
2 prepared, owned, used, in the possession of, or retained by the
3 senate fiscal agency in the performance of an official function
4 shall be made available to the public in compliance with the
5 freedom of information act, ~~Act No. 442 of the Public Acts of 1976,~~
6 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws.1976~~
7 **PA 442, MCL 15.231 TO 15.246.**

8 (3) An employee of the agency shall not reveal to any person
9 who is not an employee of the senate fiscal agency the contents or
10 nature of any bill, substitute, amendment, resolution, special
11 report, or proposal not yet published unless the employee has the
12 consent of the member who is sponsoring or requesting the bill,
13 substitute, amendment, resolution, special report, or proposal. A
14 bill shall not be considered published until it is introduced. A
15 substitute, an amendment, or a conference report shall be
16 considered published when received by the secretary of the senate,
17 clerk of the house of representatives, or both, as is appropriate.
18 As used in this subsection:

19 (a) "Special report" means a report that is requested by a
20 member of the senate to be prepared by the senate fiscal agency. A
21 special report shall not be considered published until it is
22 authorized for release by the member of the senate requesting the
23 report.

24 (b) "Proposal" means a plan or an activity which is under
25 consideration by a member of the senate. A proposal shall not be
26 considered published until it is authorized for release by the
27 member of the senate requesting the preparation of the proposal.

1 (4) Persons employed by the senate fiscal agency shall be
2 nontenured, at-will employees. The governing board of the senate
3 fiscal agency may discipline, transfer, demote, suspend, or
4 summarily discharge an employee.

5 (5) THE SENATE FISCAL AGENCY SHALL DEVELOP AND IMPLEMENT A
6 LETTER RATING SYSTEM TO EVALUATE EACH BILL THAT AMENDS OR CREATES A
7 NEW TAX EXPENDITURE. BEGINNING OCTOBER 1, 2013, EACH BILL ANALYSIS
8 PREPARED BY THE SENATE FISCAL AGENCY FOR A BILL THAT AMENDS OR
9 CREATES A NEW TAX EXPENDITURE SHALL CONTAIN A LETTER RATING FROM
10 "A" TO "F", WHERE "A" IS THE HIGHEST RATING AND "F" IS THE LOWEST
11 OR FAILING RATING. THE SENATE FISCAL AGENCY SHALL MAKE THE LETTER
12 RATING ON THE BASIS OF THE RATE OF RETURN PER JOB CREATED OR
13 PROPOSED TO BE CREATED. AS USED IN THIS SUBSECTION, "TAX
14 EXPENDITURE" MEANS THAT TERM AS DEFINED IN SECTION 791.

15 Sec. 601. (1) There is created a nonpartisan agency to be
16 known as the house fiscal agency to be of service to the
17 appropriations committee of the house of representatives and other
18 members of the house of representatives.

19 (2) The house fiscal agency shall be governed by a governing
20 committee. The members of the governing committee are as follows:

21 (a) If the house of representatives is controlled by co-
22 speakers pursuant to a joint leadership agreement between
23 republican and democratic members of the house of representatives,
24 the following 8 members of the house of representatives:

25 (i) The co-speakers.

26 (ii) The co-chairpersons of the appropriations committee.

27 (iii) The co-vice-chairpersons of the appropriations committee.

1 (iv) The co-floor leaders.

2 (b) If the house of representatives is controlled by a single
3 speaker, the following 6 members of the house of representatives:

4 (i) The speaker of the house.

5 (ii) The minority leader.

6 (iii) The chairperson of the appropriations committee.

7 (iv) The minority vice-chairperson of the appropriations
8 committee.

9 (v) The majority floor leader.

10 (vi) The minority floor leader.

11 (3) If the house of representatives is controlled by co-
12 speakers pursuant to a joint leadership agreement between
13 republican and democratic members of the house of representatives,
14 the co-chairpersons of the house appropriations committee are the
15 co-chairpersons of the governing committee of the house fiscal
16 agency. The co-chairpersons of the governing committee of the house
17 fiscal agency shall alternate as chairperson of the governing
18 committee. The democratic co-chairperson of the house
19 appropriations committee shall preside as chairperson in months
20 during which the presiding officers of the house of representatives
21 are republican and the republican co-chairperson of the house
22 appropriations committee shall preside as chairperson in months
23 during which the presiding officers of the house of representatives
24 are democratic. If the house of representatives is controlled by a
25 single speaker, the chairperson of the house appropriations
26 committee is the chairperson of the governing committee of the
27 house fiscal agency.

1 (4) The governing committee of the house fiscal agency shall
2 meet quarterly. In addition to the quarterly meetings, the
3 governing committee shall meet within 7 days upon request of 2 or
4 more members of the governing committee made to the co-speakers or
5 speaker of the house.

6 (5) Except as otherwise provided in subsection (6), a writing
7 prepared, owned, used, in the possession of, or retained by the
8 house fiscal agency in the performance of an official function
9 shall be made available to the public in compliance with the
10 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

11 (6) An employee of the house fiscal agency shall not reveal to
12 any person who is not an employee of the house fiscal agency the
13 contents or nature of any bill, substitute, amendment, resolution,
14 special report, or proposal not yet published unless the employee
15 has the consent of the member who is sponsoring or requesting the
16 bill, substitute, amendment, resolution, special report, or
17 proposal. A bill shall not be considered published until it is
18 introduced. A substitute, an amendment, or a conference report
19 shall be considered published when received by the secretary of the
20 senate or the clerk of the house of representatives, or both, as is
21 appropriate. As used in this subsection:

22 (a) "Special report" means a report that is requested by a
23 member of the house of representatives to be prepared by the house
24 fiscal agency. A special report shall not be considered published
25 until it is authorized for release by the member of the house of
26 representatives requesting the report.

27 (b) "Proposal" means a plan or an activity that is under

1 consideration by a member of the house of representatives. A
2 proposal shall not be considered published until it is authorized
3 for release by the member of the house of representatives
4 requesting the preparation of the proposal.

5 (7) The director of the house fiscal agency shall provide
6 quarterly financial statements of the financial affairs of the
7 house fiscal agency. The quarterly financial statements shall be
8 submitted to the members of the governing committee and the house
9 of representatives not later than 30 days after each calendar
10 quarter.

11 (8) Persons employed by the house fiscal agency shall be
12 nontenured, at-will employees. The governing committee of the house
13 fiscal agency may discipline, transfer, demote, suspend, or
14 summarily discharge an employee.

15 (9) THE HOUSE FISCAL AGENCY SHALL DEVELOP AND IMPLEMENT A
16 LETTER RATING SYSTEM TO EVALUATE EACH BILL THAT AMENDS OR CREATES A
17 NEW TAX EXPENDITURE. BEGINNING OCTOBER 1, 2013, EACH BILL ANALYSIS
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