

# HOUSE BILL No. 5382

March 4, 2014, Introduced by Reps. Townsend, Kelly, Switalski, Knezek, Cavanagh and Yanez and referred to the Committee on Government Operations.

A bill to amend 1986 PA 268, entitled  
"Legislative council act,"  
(MCL 4.1101 to 4.1901) by adding chapter 7C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 7C

SEC. 791. AS USED IN THIS CHAPTER:

(A) "COMMISSION" MEANS THE LEGISLATIVE COMMISSION ON STATE AGENCIES CREATED IN SECTION 792.

(B) "STATE AGENCY" MEANS A DEPARTMENT, BOARD, COMMISSION, AGENCY, AUTHORITY, OR OTHER UNIT OF STATE GOVERNMENT.

SEC. 792. (1) THE LEGISLATIVE COMMISSION ON STATE AGENCIES IS CREATED WITHIN THE LEGISLATIVE COUNCIL.

(2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 12 MEMBERS:

(A) SIX MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF

1 REPRESENTATIVES.

2 (B) SIX MEMBERS APPOINTED BY THE MAJORITY LEADER OF THE  
3 SENATE.

4 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE  
5 APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
6 ACT THAT ADDED THIS CHAPTER.

7 (4) IF A VACANCY OCCURS ON THE COMMISSION, THE MEMBER SHALL BE  
8 REPLACED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

9 (5) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE  
10 SPEAKER OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN 60 DAYS  
11 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
12 CHAPTER. AT THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM  
13 AMONG ITS MEMBERS OTHER OFFICERS AS IT CONSIDERS NECESSARY OR  
14 APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET AT  
15 LEAST MONTHLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON  
16 FOR THAT MONTH OR IF REQUESTED BY A MAJORITY OF THE MEMBERS OF THE  
17 COMMISSION.

18 (6) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A  
19 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE  
20 COMMISSION. A MAJORITY OF THE MEMBERS ARE REQUIRED FOR OFFICIAL  
21 ACTION OF THE COMMISSION.

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

25 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
26 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL  
27 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,

1 MCL 15.231 TO 15.246.

2 (9) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT  
3 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED  
4 FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE  
5 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION SUBJECT TO  
6 AVAILABLE APPROPRIATIONS.

7 (10) THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

8 (A) EXAMINE EACH STATE AGENCY, DETERMINE THE NEED FOR THE  
9 FUNCTIONS THE AGENCY PERFORMS, AND RECOMMEND THE ABOLITION,  
10 CONTINUATION, OR REORGANIZATION OF EACH AFFECTED STATE AGENCY.

11 (B) RECOMMEND THE CONSOLIDATION, TRANSFER, OR REORGANIZATION  
12 OF PROGRAMS WITHIN STATE AGENCIES NOT UNDER REVIEW IF THE PROGRAMS  
13 DUPLICATE FUNCTIONS PERFORMED BY STATE AGENCIES UNDER REVIEW.

14 (C) RECOMMEND WAYS TO IMPROVE THE OPERATIONS OF EACH STATE  
15 AGENCY.

16 (D) RECOMMEND THE CONTINUATION OR ABOLITION OF EACH REPORTING  
17 REQUIREMENT IMPOSED ON THE STATE AGENCY.

18 (11) IN DETERMINING WHETHER A PUBLIC NEED EXISTS FOR THE  
19 CONTINUATION OF A STATE AGENCY OR FOR THE FUNCTIONS THE STATE  
20 AGENCY PERFORMS, THE COMMISSION SHALL CONSIDER ALL OF THE  
21 FOLLOWING:

22 (A) THE EFFICIENCY AND EFFECTIVENESS WITH WHICH THE STATE  
23 AGENCY OPERATES.

24 (B) AN IDENTIFICATION OF THE MISSION, GOALS, AND OBJECTIVES  
25 INTENDED FOR THE STATE AGENCY, THE PROBLEM OR NEED THAT THE STATE  
26 AGENCY WAS INTENDED TO ADDRESS, AND THE EXTENT TO WHICH THE  
27 MISSION, GOALS, AND OBJECTIVES HAVE BEEN ACHIEVED AND THE PROBLEM

1 OR NEED HAS BEEN ADDRESSED.

2 (C) AN IDENTIFICATION OF ANY ACTIVITIES OF THE STATE AGENCY IN  
3 ADDITION TO THOSE GRANTED BY STATUTE, THE AUTHORITY FOR THOSE  
4 ACTIVITIES, AND THE EXTENT TO WHICH THOSE ACTIVITIES ARE NEEDED.

5 (D) WHETHER LESS RESTRICTIVE OR ALTERNATIVE METHODS OF  
6 PERFORMING ANY FUNCTION THAT THE STATE AGENCY PERFORMS COULD  
7 ADEQUATELY PROTECT OR PROVIDE SERVICE TO THE PUBLIC.

8 (E) THE EXTENT TO WHICH THE JURISDICTION OF THE STATE AGENCY  
9 AND THE PROGRAMS ADMINISTERED BY THE STATE AGENCY OVERLAP OR  
10 DUPLICATE THOSE OF OTHER STATE AGENCIES, THE EXTENT TO WHICH THE  
11 STATE AGENCY COORDINATES WITH THOSE AGENCIES, AND THE EXTENT TO  
12 WHICH THE PROGRAMS ADMINISTERED BY THE STATE AGENCY CAN BE  
13 CONSOLIDATED WITH THE PROGRAMS OF OTHER STATE AGENCIES.

14 (12) THE COMMISSION SHALL FILE A REPORT BY SEPTEMBER 1 OF EACH  
15 YEAR WITH THE GOVERNOR AND THE LEGISLATURE OUTLINING ANY CHANGES  
16 THE COMMISSION DETERMINES ARE NECESSARY UNDER SUBSECTION (10) AND  
17 ANY RECOMMENDATIONS FOR LEGISLATION.