

HOUSE BILL No. 5470

March 13, 2012, Introduced by Reps. Lindberg, Hovey-Wright, Cavanagh, Slavens, Dillon and Meadows and referred to the Committee on Government Operations.

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

1 minority party.

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

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

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

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

1 member of the senate requesting the preparation of the proposal.

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

6 (5) **THE SENATE FISCAL AGENCY SHALL DEVELOP AND IMPLEMENT A**
7 **LETTER RATING SYSTEM TO EVALUATE EACH BILL THAT AMENDS OR CREATES A**
8 **NEW TAX EXPENDITURE. BEGINNING OCTOBER 1, 2012, EACH BILL ANALYSIS**
9 **PREPARED BY THE SENATE FISCAL AGENCY FOR A BILL THAT AMENDS OR**
10 **CREATES A NEW TAX EXPENDITURE SHALL CONTAIN A LETTER RATING FROM**
11 **"A" TO "F", WHERE "A" IS THE HIGHEST RATING AND "F" IS THE LOWEST**
12 **OR FAILING RATING. THE SENATE FISCAL AGENCY SHALL MAKE THE LETTER**
13 **RATING ON THE BASIS OF THE RATE OF RETURN PER JOB CREATED OR**
14 **PROPOSED TO BE CREATED. AS USED IN THIS SUBSECTION, "TAX**
15 **EXPENDITURE" MEANS THAT TERM AS DEFINED IN SECTION 791.**

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

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

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

26 (i) The co-speakers.

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

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

2 (iv) The co-floor leaders.

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

5 (i) The speaker of the house.

6 (ii) The minority leader.

7 (iii) The chairperson of the appropriations committee.

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

10 (v) The majority floor leader.

11 (vi) The minority floor leader.

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

1 house fiscal agency.

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

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

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

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

1 (b) "Proposal" means a plan or an activity that is under
2 consideration by a member of the house of representatives. A
3 proposal shall not be considered published until it is authorized
4 for release by the member of the house of representatives
5 requesting the preparation of the proposal.

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

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

16 (9) **THE HOUSE FISCAL AGENCY SHALL DEVELOP AND IMPLEMENT A**
17 **LETTER RATING SYSTEM TO EVALUATE EACH BILL THAT AMENDS OR CREATES A**
18 **NEW TAX EXPENDITURE. BEGINNING OCTOBER 1, 2012, EACH BILL ANALYSIS**
19 **PREPARED BY THE HOUSE FISCAL AGENCY FOR A BILL THAT AMENDS OR**
20 **CREATES A NEW TAX EXPENDITURE SHALL CONTAIN A LETTER RATING FROM**
21 **"A" TO "F", WHERE "A" IS THE HIGHEST RATING AND "F" IS THE LOWEST**
22 **OR FAILING RATING. THE HOUSE FISCAL AGENCY SHALL MAKE THE LETTER**
23 **RATING ON THE BASIS OF THE RATE OF RETURN PER JOB CREATED OR**
24 **PROPOSED TO BE CREATED. AS USED IN THIS SUBSECTION, "TAX**
25 **EXPENDITURE" MEANS THAT TERM AS DEFINED IN SECTION 791.**