

SENATE BILL No. 495

June 28, 2017, Introduced by Senator CASPERSON 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 amending the title and by adding chapter 7C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to

1 create a law revision commission; to create a senate fiscal agency
2 and a house fiscal agency; to create a Michigan capitol committee;
3 to create a ~~commission on intergovernmental relations~~; **LEGISLATIVE**
4 **BUDGET AGENCY**; to prescribe the powers and duties of certain state
5 agencies and departments; to repeal certain acts and parts of acts;
6 and to repeal certain parts of this act on specific dates.

7 **CHAPTER 7C**

8 **LEGISLATIVE BUDGET AGENCY**

9 **SEC. 791. AS USED IN THIS CHAPTER:**

10 (A) "FISCAL BILL" MEANS A BILL THAT WOULD REQUIRE THIS STATE
11 OR LOCAL UNITS OF GOVERNMENT TO PROVIDE ACTIVITIES AND SERVICES
12 THAT CREATE MORE THAN A DE MINIMUS NEW COST OR INCREASED COST TO
13 THIS STATE OR LOCAL UNITS OF GOVERNMENT. THE LEGISLATIVE BUDGET
14 AGENCY AND THE CHAIRPERSON OF THE COMMITTEE TO WHICH A BILL IS
15 REFERRED MAY DESIGNATE A BILL AS A FISCAL BILL.

16 (B) "FISCAL NOTE" MEANS A WRITTEN ESTIMATE OF THE COSTS,
17 SAVINGS, REVENUE GAIN, OR REVENUE LOSS THAT MAY RESULT FROM THE
18 IMPLEMENTATION OF A FISCAL BILL.

19 (C) "LOCAL UNIT OF GOVERNMENT" MEANS A POLITICAL SUBDIVISION
20 OF THIS STATE.

21 (D) "PROPOSAL" MEANS A PLAN OR AN ACTIVITY THAT IS UNDER
22 CONSIDERATION BY A MEMBER OF THE LEGISLATURE. A PROPOSAL SHALL NOT
23 BE CONSIDERED PUBLISHED UNTIL IT IS AUTHORIZED FOR RELEASE BY THE
24 MEMBER OF THE LEGISLATURE REQUESTING THE PREPARATION OF THE
25 PROPOSAL.

26 (E) "SPECIAL REPORT" MEANS A REPORT THAT IS REQUESTED BY A
27 MEMBER OF THE LEGISLATURE TO BE PREPARED BY THE LEGISLATIVE BUDGET

1 AGENCY. A SPECIAL REPORT SHALL NOT BE CONSIDERED PUBLISHED UNTIL IT
2 IS AUTHORIZED FOR RELEASE BY THE MEMBER REQUESTING THE REPORT.

3 SEC. 792. (1) THE LEGISLATIVE BUDGET AGENCY IS CREATED AS A
4 NONPARTISAN AGENCY TO BE OF SERVICE TO ALL MEMBERS OF THE
5 LEGISLATURE. THE LEGISLATIVE BUDGET AGENCY SHALL MONITOR INTRODUCED
6 BILLS AND PREPARE FISCAL NOTES AS PROVIDED IN SECTION 793 AND SHALL
7 PREPARE AN ANNUAL FINANCIAL REPORT AS PROVIDED IN SECTION 794.

8 (2) THE LEGISLATIVE BUDGET AGENCY SHALL BE GOVERNED BY A
9 GOVERNING BOARD OF 6 MEMBERS OF THE LEGISLATURE. THE MEMBERS OF THE
10 GOVERNING BOARD ARE AS FOLLOWS:

11 (A) THE SENATE MAJORITY LEADER.

12 (B) THE SENATE MINORITY LEADER.

13 (C) THE CHAIRPERSON OF THE SENATE APPROPRIATIONS COMMITTEE.

14 (D) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

15 (E) THE HOUSE MINORITY LEADER.

16 (F) THE CHAIRPERSON OF THE HOUSE APPROPRIATIONS COMMITTEE.

17 (3) THE MEMBERS OF THE GOVERNING BOARD OF THE LEGISLATIVE
18 BUDGET AGENCY SHALL MEET QUARTERLY. IN ADDITION TO THE QUARTERLY
19 MEETINGS, THE GOVERNING COMMITTEE SHALL MEET WITHIN 7 DAYS UPON
20 REQUEST OF 2 OR MORE MEMBERS OF THE GOVERNING COMMITTEE MADE TO THE
21 SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE SENATE MAJORITY
22 LEADER.

23 (4) EXCEPT AS OTHERWISE PROVIDED BY SUBSECTION (5), A WRITING
24 PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE
25 LEGISLATIVE BUDGET AGENCY IN THE PERFORMANCE OF AN OFFICIAL
26 FUNCTION MUST BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
27 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

1 (5) AN EMPLOYEE OF THE LEGISLATIVE BUDGET AGENCY SHALL NOT
2 REVEAL TO ANY PERSON WHO IS NOT AN EMPLOYEE OF THE LEGISLATIVE
3 BUDGET AGENCY THE CONTENTS OR NATURE OF ANY BILL, SUBSTITUTE,
4 AMENDMENT, RESOLUTION, SPECIAL REPORT, OR PROPOSAL NOT YET
5 PUBLISHED UNLESS THE EMPLOYEE HAS THE CONSENT OF THE MEMBER WHO IS
6 SPONSORING OR REQUESTING THE BILL, SUBSTITUTE, AMENDMENT,
7 RESOLUTION, SPECIAL REPORT, OR PROPOSAL. A BILL IS CONSIDERED
8 PUBLISHED WHEN IT IS INTRODUCED. A SUBSTITUTE, AN AMENDMENT, OR A
9 CONFERENCE REPORT IS CONSIDERED PUBLISHED WHEN RECEIVED BY THE
10 SECRETARY OF THE SENATE OR THE CLERK OF THE HOUSE OF
11 REPRESENTATIVES, OR BOTH, AS APPLICABLE.

12 (6) AN EMPLOYEE OF THE LEGISLATIVE BUDGET AGENCY IS A
13 NONTENURED, AT-WILL EMPLOYEE. THE GOVERNING COMMITTEE OF THE
14 LEGISLATIVE BUDGET AGENCY MAY DISCIPLINE, TRANSFER, DEMOTE,
15 SUSPEND, OR SUMMARILY DISCHARGE AN EMPLOYEE.

16 (7) THE LEGISLATIVE BUDGET AGENCY, THE SENATE FISCAL AGENCY,
17 AND THE HOUSE FISCAL AGENCY SHALL ACT IN CONCERT.

18 (8) THE MEMBERS OF THE GOVERNING BOARD LISTED IN SUBSECTION
19 (2) (A) AND (D) SHALL DESIGNATE REPRESENTATIVES FOR EACH TYPE OF
20 LOCAL UNIT OF GOVERNMENT TO ASSIST THE LEGISLATIVE BUDGET AGENCY IN
21 PREPARING FISCAL NOTES. THE REPRESENTATIVES DESCRIBED UNDER THIS
22 SUBSECTION MUST BE APPORTIONED ACCORDING TO THE VARIOUS POPULATION
23 SIZES, GEOGRAPHICAL LOCATIONS, AND UNIQUE NEEDS OF THE LOCAL UNITS
24 OF GOVERNMENT.

25 SEC. 793. (1) EXCEPT IN A STATE OF EMERGENCY DECLARED BY THE
26 GOVERNOR, A FISCAL BILL MUST NOT PROCEED TO THE THIRD READING IF
27 THE FISCAL NOTE FOR THAT FISCAL BILL CONCLUDES THAT THE COSTS FOR

1 COMPLIANCE WITH THAT FISCAL BILL ARE INDETERMINATE OR NOT CAPABLE
2 OF BEING REASONABLY ESTIMATED.

3 (2) A FISCAL BILL MUST NOT BE PASSED BY EITHER HOUSE OF THE
4 LEGISLATURE BEFORE THE MEMBERS OF THAT HOUSE HAVE BEEN PROVIDED THE
5 FISCAL NOTE FOR THAT FISCAL BILL AND SUFFICIENT TIME TO REVIEW THAT
6 FISCAL NOTE.

7 (3) IN EACH FISCAL NOTE, THE LEGISLATIVE BUDGET AGENCY SHALL
8 PROJECT COST ESTIMATES FOR A 5-YEAR PERIOD FROM THE EFFECTIVE DATE
9 OF A FISCAL BILL AND SHALL STATE WHETHER OR NOT COSTS OR DIVERSIONS
10 WILL BE INVOLVED AFTER THAT PERIOD. IF AN AMENDMENT TO A FISCAL
11 BILL OR A SUBSTITUTE OF A FISCAL BILL IS ADOPTED, THE LEGISLATIVE
12 BUDGET AGENCY SHALL UPDATE THE FISCAL NOTE FOR THAT FISCAL BILL.

13 SEC. 794. THE LEGISLATIVE BUDGET AGENCY SHALL PREPARE AN
14 ANNUAL FINANCIAL REPORT THAT RECONCILES THE COSTS ESTIMATED IN A
15 FISCAL NOTE WITH THE ACTUAL COSTS INCURRED AND THAT PROVIDES AN
16 UPDATED 5-YEAR COST ESTIMATE. THE LEGISLATIVE BUDGET AGENCY SHALL
17 PROVIDE THE APPROPRIATIONS COMMITTEE OF EACH CHAMBER WITH THE
18 ANNUAL FINANCIAL REPORT.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.