

# Legislative Analysis

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## LEGISLATIVE FISCAL AGENCY

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### House Bill 6016

**Sponsor: Rep. Terry Brown**

**Committee: Oversight and Investigations**

**Complete to 4-12-10**

## A SUMMARY OF HOUSE BILL 6016 AS INTRODUCED 3-25-10

The bill would create the Legislative Fiscal Agency by consolidating and reorganizing the now-separate House Fiscal Agency and Senate Fiscal Agency. The bill amends the Legislative Council Act (MCL 4.1204c et al.).

The Legislative Fiscal Agency would be created "as a nonpartisan agency to be of service to the Appropriations committees of the Legislature and all members of the Legislature."

Under the bill, the two fiscal agency directors and the director of the House Business Office would have to create and implement a business plan to consolidate the two fiscal agencies as of January 1, 2011. The deadline for creating and implementing the plan is 60 days after the bill's effective date.

The plan would outline and describe the duties, responsibilities, authority, powers, functions, personnel, equipment, and budgetary resources of the new agency. The plan also would have to describe how redundancies are to be eliminated and how efficiencies are to be increased. The plan would have to contain a timetable for the consolidation and reorganization.

Once the consolidation and reorganization was completed, the powers, duties, and functions of the two fiscal agencies (and the House Legislative Analysis Section, which is already a unit within the HFA) would be transferred to the new Legislative Fiscal Agency. All records, personnel, property, and unexpended balances held, employed, or available to the separate agencies would be transferred to the new consolidated agency.

Governing Board. The new agency would be governed by a six-member board. The Governing Board members would be: the Senate Majority Leader, the Senate Minority Leader, the Chair of the Senate Appropriations Committee, the Speaker of the House of Representatives, the House Minority Leader, and the Chair of the House Appropriations Committee. The board would have to meet quarterly, and also would meet within seven days after the request of two or more members of the board. The board would appoint a director of the agency to serve at the pleasure of the governing board. (The bill sometimes refers to the "board" and sometimes to the "committee.")

Quarterly Financial Statements. The director of the fiscal agency would have to provide quarterly financial statements of the financial affairs of the agency; the statements would

have to be submitted to members of the Governing Board and of the House and Senate not later than 30 days after each calendar quarter. (This is currently required of the director of the House Fiscal Agency.)

Freedom of Information. A writing prepared, owned, used, in the possession of, or retained by the Legislative Fiscal Agency in the performance of an official function would be made available to the public in compliance with the Freedom of Information Act. (This provision now applies to the separate fiscal agencies.)

Confidentiality. However, an employee of the fiscal agency could not reveal to anyone who is not an employee of the agency the contents or nature of any bill, substitute, amendment, resolution, special report, or proposal not yet published unless the employee has the consent of the member of the Legislature who is sponsoring or requesting it. A bill is considered published when it is introduced. A substitute, amendment, or conference report is considered published when received by the Secretary of the Senate, the Clerk of the House, or both. (This provision now applies to the separate fiscal agencies.)

(A "special report" is a report requested by a member of the Legislature to be prepared by the fiscal agency. A special report is not considered published until it is authorized for release by the requesting member. A "proposal" means a plan or activity under consideration by a member. A proposal is not considered published until authorized for release by the requesting member.)

Bill Analyses on Internet. Each bill analysis prepared by the Legislative Fiscal Agency during a legislative session would have to be made available to the public on the Internet. (This provision now applies to the separate fiscal agencies.)

At-Will Employment. Employees of the fiscal agency would be non-tenured, at-will employees. The governing board of the agency could discipline, transfer, demote, suspend, or summarily discharge an employee. (This provision now applies to the separate fiscal agencies.)

## **FISCAL IMPACT:**

The amount of any savings realized by the state as a result of consolidating and reorganizing the House and Senate Fiscal Agencies is indeterminate. Savings would depend on how the new Legislative Fiscal Agency was structured. Specifically, the amount of any savings realized under the bill would depend, to a large extent, on the staffing level of the new agency relative to current staffing levels.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.