

HOUSE BILL No. 4040

January 13, 2011, Introduced by Reps. Denby, Johnson, Kowall, Haines, Zorn, Rogers, O'Brien, MacGregor, Jacobsen, Potvin, Shaughnessy and Meadows 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. (1) THE LOCAL GOVERNMENT MANDATE PANEL IS CREATED
WITHIN THE LEGISLATIVE COUNCIL. THE LOCAL GOVERNMENT MANDATE PANEL
SHALL FACILITATE AND ENSURE COMPLIANCE WITH SECTION 29 OF ARTICLE
IX OF THE STATE CONSTITUTION OF 1963.

(2) THE LOCAL GOVERNMENT MANDATE PANEL SHALL CONSIST OF THE
FOLLOWING MEMBERS:

(A) THE DIRECTOR OF THE HOUSE FISCAL AGENCY OR HIS OR HER
DESIGNEE.

(B) THE DIRECTOR OF THE SENATE FISCAL AGENCY OR HIS OR HER

1 DESIGNEE.

2 (C) THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT,
3 AND BUDGET OR HIS OR HER DESIGNEE AS A NONVOTING MEMBER.

4 (D) THE FOLLOWING 5 MEMBERS APPOINTED JOINTLY BY THE SPEAKER
5 OF THE HOUSE OF REPRESENTATIVES AND THE MAJORITY LEADER OF THE
6 SENATE WHO REPRESENT THE INTERESTS OF EACH OF THE FOLLOWING:

7 (i) COUNTIES.

8 (ii) CITIES AND VILLAGES.

9 (iii) TOWNSHIPS.

10 (iv) SCHOOL DISTRICTS AND INTERMEDIATE SCHOOL DISTRICTS.

11 (v) COMMUNITY COLLEGES.

12 (3) THE MEMBERS FIRST APPOINTED TO THE LOCAL GOVERNMENT
13 MANDATE PANEL SHALL BE APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE
14 DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER.

15 (4) MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL SHALL SERVE
16 FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER
17 IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED UNDER
18 SUBSECTION (2) (D), 2 SHALL SERVE FOR 1 YEAR, 1 SHALL SERVE FOR 2
19 YEARS, AND 2 SHALL SERVE FOR 3 YEARS.

20 (5) IF A VACANCY OCCURS ON THE LOCAL GOVERNMENT MANDATE PANEL,
21 THE APPOINTMENT FOR THE UNEXPIRED TERM SHALL BE MADE IN THE SAME
22 MANNER AS THE ORIGINAL APPOINTMENT.

23 (6) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
24 MAJORITY LEADER OF THE SENATE, ACTING JOINTLY, MAY REMOVE A MEMBER
25 OF THE LOCAL GOVERNMENT MANDATE PANEL FOR INCOMPETENCY, DERELICTION
26 OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY
27 OTHER GOOD CAUSE.

1 (7) THE FIRST MEETING OF THE LOCAL GOVERNMENT MANDATE PANEL
2 SHALL BE CALLED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. AT
3 THE FIRST MEETING, THE DIRECTOR OF THE HOUSE FISCAL AGENCY OR HIS
4 OR HER DESIGNEE SHALL BE THE CHAIRPERSON. EACH YEAR THEREAFTER, THE
5 CHAIRPERSON OF THE LOCAL GOVERNMENT MANDATE PANEL SHALL ALTERNATE
6 BETWEEN THE DIRECTOR OF THE SENATE FISCAL AGENCY OR HIS OR HER
7 DESIGNEE AND THE DIRECTOR OF THE HOUSE FISCAL AGENCY OR HIS OR HER
8 DESIGNEE. AFTER THE FIRST MEETING, THE LOCAL GOVERNMENT MANDATE
9 PANEL SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL
10 OF THE CHAIRPERSON OR IF REQUESTED BY 4 OR MORE MEMBERS.

11 (8) A MAJORITY OF THE MEMBERS OF THE LOCAL GOVERNMENT MANDATE
12 PANEL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A
13 MEETING OF THE LOCAL GOVERNMENT MANDATE PANEL. A MAJORITY OF THE
14 MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE
15 LOCAL GOVERNMENT MANDATE PANEL.

16 (9) THE BUSINESS THAT THE LOCAL GOVERNMENT MANDATE PANEL MAY
17 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE LOCAL
18 GOVERNMENT MANDATE PANEL HELD IN COMPLIANCE WITH THE OPEN MEETINGS
19 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

20 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
21 RETAINED BY THE LOCAL GOVERNMENT MANDATE PANEL IN THE PERFORMANCE
22 OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION
23 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

24 (11) MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL SHALL SERVE
25 WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE LOCAL GOVERNMENT
26 MANDATE PANEL MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY
27 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS

1 MEMBERS OF THE LOCAL GOVERNMENT MANDATE PANEL.

2 (12) AFTER INTRODUCTION OF A BILL THAT MAY IMPOSE A NEW
3 ACTIVITY OR SERVICE OR INCREASE THE LEVEL OF AN EXISTING ACTIVITY
4 OR SERVICE AS DETERMINED BY THE CHAIRPERSON OF THE LOCAL GOVERNMENT
5 MANDATE PANEL, THE CHAIRPERSON OF THE LOCAL GOVERNMENT MANDATE
6 PANEL SHALL INITIATE THE FISCAL NOTE PROCESS DESCRIBED IN SECTION 6
7 OF THE PREVENTION OF UNFUNDED MANDATES ACT. THE LOCAL GOVERNMENT
8 MANDATE PANEL AND THE LEGISLATURE SHALL OTHERWISE COMPLY WITH THE
9 REQUIREMENTS SET FORTH IN THE PREVENTION OF UNFUNDED MANDATES ACT.

10 (13) THE LOCAL GOVERNMENT MANDATE PANEL SHALL DEVELOP ITS OWN
11 RULES OF OPERATION, POLICIES, AND PROCEDURES AND MAY AUTHORIZE AND
12 OPERATE SUBCOMMITTEES TO ASSIST IN ITS DUTIES.

13 (14) IF THE HOUSE FISCAL AGENCY AND THE SENATE FISCAL AGENCY
14 ARE COMBINED INTO 1 FISCAL AGENCY, THE DIRECTOR OF THAT FISCAL
15 AGENCY OR HIS OR HER DESIGNEE SHALL BE A MEMBER OF THE LOCAL
16 GOVERNMENT MANDATE PANEL IN PLACE OF THE INDIVIDUALS IDENTIFIED
17 UNDER SUBSECTION (2) (A) AND (B).

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 4038(request no.
20 00052'11) of the 96th Legislature is enacted into law.