

LEGISLATIVE COUNCIL ACT
Act 268 of 1986

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 provide for the designation and authentication of certain electronic legal records as official; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1987, Act 123, Imd. Eff. July 23, 1987;—Am. 1988, Act 100, Eff. July 1, 1988;—Am. 2018, Act 638, Eff. Mar. 29, 2019.

The People of the State of Michigan enact:

CHAPTER 1
LEGISLATIVE COUNCIL.

4.1101 Short title.

Sec. 101. This act shall be known and may be cited as the "legislative council act".

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1102 Definitions.

Sec. 102. As used in this act:

(a) "Bureau" means the legislative service bureau.

(b) "Commission" means the Michigan law revision commission.

(c) "Council" means the legislative council.

(d) "Council administrator" means the chief executive officer of all legislative council agencies.

(e) "Legislative council agencies" means the bureau, commission, and any other legislative council agency designated by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1103 Legislative council; creation; appointment, qualifications, and terms of members; alternates; removal; vacancies; expenses.

Sec. 103. There is created within the legislative branch of state government a bipartisan legislative council to consist of 6 members of the house to be appointed by the speaker, not less than 2 of whom shall be members of the minority party, and 6 members of the senate to be appointed by the majority leader, not less than 2 of whom shall be members of the minority party. The speaker and senate majority leader may each appoint 3 alternates to the council who may vote in the absence of any of the regular 6 council members. The majority and minority alternates shall only vote in place of an absent member of the same party. Members and alternates shall be appointed or removed in the same manner as members of standing committees are appointed or removed in each house. Vacancies shall be filled in the same manner as original appointments. Members shall serve terms concurrent with their term in the legislature and until their successors are appointed and qualified. Members of the council may be reimbursed for expenses incurred in the administration of their duties.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1104 Legislative council; election of chairperson and alternate chairperson; meetings; notice; rules; quorum; report; oaths; subpoena of witnesses; examination of books and records; creation of subcommittees; expenses; availability of writings to public.

Sec. 104. (1) Annually the council shall elect from its membership a chairperson and alternate chairperson who shall be from different houses. The position of chairperson shall alternate between the senate and the house of representatives.

(2) The business which the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be

given in the manner required by Act No. 267 of the Public Acts of 1976.

(3) The council shall meet not less than 3 times per year. Special meetings shall be held on call of the chairperson or a majority of the members of the council. The council shall prescribe rules for its own procedure. A majority of the council constitutes a quorum, but a smaller number may transact routine business and receive reports from the staff. A majority of the membership shall concur in any recommendation of the council.

(4) The council may report its findings and recommendations to the legislature and may accompany the council's report with proposed bills to implement its recommendations.

(5) The chairperson of the council or a member designated by the chairperson, upon majority vote of the council may administer oaths, subpoena witnesses, and examine books and records of a person, partnership, or corporation involved in a matter properly before the council. The council may create subcommittees that may include members of the legislature who are not members of the council. Noncouncil members of subcommittees may be reimbursed for expenses incurred in the administration of their duties.

(6) Except for a report or recommendation prepared by the legislative corrections ombudsman under section 10 of Act No. 46 of the Public Acts of 1975, being section 4.360 of the Michigan Compiled Laws, a writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1104a Council administrator; appointment; duties; responsibilities.

Sec. 104a. (1) The council shall appoint a council administrator who shall be the chief executive officer of all legislative council agencies. The council administrator is an at-will employee and shall serve at the pleasure of the council. The council administrator has all the following duties and responsibilities:

- (a) To provide general supervisory oversight over all legislative council agencies.
- (b) To provide personnel policy oversight and development for all legislative council agencies.
- (c) To develop, prepare, and present legislative council agency budgets.
- (d) To review quarterly financial statements of legislative council agencies and monitor budgetary compliance.
- (e) To act as secretary to the council, including but not limited to the following:
 - (i) Scheduling of meetings for the council and subcommittees.
 - (ii) Keeping and recording of minutes and records of meetings.
- (f) To perform other duties and responsibilities as determined and assigned by the council.

(2) In addition to the responsibilities provided in subsection (1), at the direction of the Michigan state capitol commission, the council administrator shall do both of the following:

- (a) Administer compensation, benefits, and other personnel support for the employees of the Michigan state capitol commission.
- (b) Administer computer, telephone, and technical support for employees of the Michigan state capitol commission.

History: Add. 1995, Act 189, Imd. Eff. Nov. 6, 1995;—Am. 2013, Act 241, Eff. Mar. 14, 2014.

Compiler's note: Enacting section 1 of Act 241 of 2013 provides:

"Enacting section 1. (1) Section 205 of the legislative council act, 1986 PA 268, MCL 4.1205, is repealed.

"(2) Upon repeal of section 205 of the legislative council act, 1986 PA 268, MCL 4.1205, as provided in subsection (1), any money in the legislative council parking fund created in that section is transferred to the state capitol parking fund created in section 9 of the Michigan state capitol historic site act."

4.1105 Legislative service bureau; creation; bill drafting, research, and other services; organization; appointment of director to serve at pleasure of council; duties, qualifications, and compensation of director.

Sec. 105. The council shall maintain bill drafting, research, and other services for the members of the legislature in a bureau to be known as the legislative service bureau which is hereby created. The bureau shall provide bill drafting, research, and other services and shall be organized into divisions as authorized by the council. The council shall appoint a director of the legislative service bureau who shall serve at the pleasure of the council. The director shall devote his or her full time to the duties of the office, shall be qualified by experience and ability to conduct the work of the office, and shall receive such compensation as fixed by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1106 Director as chief administrative officer of bureau; employment and compensation of

employees; employees as nontenured, at-will employees; discipline, transfer, demotion, or summary discharge of employee; management of bureau; expenses; responsibilities of council.

Sec. 106. The director of the bureau shall be the chief administrative officer of the bureau. With the approval of the council, the director shall employ such employees as may be necessary and fix their compensation within the appropriation made by the legislature for this purpose. Persons employed by the director shall be nontenured, at-will employees. The director may discipline, transfer, demote, suspend, or summarily discharge an employee. The director shall have charge of the routine management of the bureau and may incur such expenses as may be necessary for carrying out the provisions of this act, to be paid out of appropriations made by the legislature for the operation of the bureau. The council shall be responsible for the general program and policies of the bureau and for the preparation and enforcement of rules and regulations concerning the services to be rendered.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1995, Act 189, Imd. Eff. Nov. 6, 1995.

4.1107 Legislative reference library; research services; technical and other assistance.

Sec. 107. The bureau shall maintain a legislative reference library containing material which may be of use in connection with legislation. Upon request, the bureau shall furnish research services to members of the legislature. The bureau shall furnish such technical and other assistance to legislative committees as may be authorized by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1108 Legislative service bureau; drafting duties; publication of general laws in force; publication of public and local acts.

Sec. 108. The bureau shall:

(a) At the request of the members of the legislature, draft bills and resolutions or amendments to, or substitutes for, bills and resolutions; draft conference committee reports; and examine, check, and compare pending bills with other pending bills and existing laws to avoid so far as possible contrary or conflicting provisions.

(b) At the request of the members of the legislature, draft joint rules of the legislature or rules of the house of representatives or the senate, or amendments to those rules.

(c) Prepare a definite plan for the order, classification, arrangement, printing, and binding of the general laws in force.

(d) Prepare catchlines, indexes, and tables for the public and local acts of each session of the legislature.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1109 Employees not to urge or oppose legislation; duties of employees; recommendation of legislation by director; confidentiality.

Sec. 109. An employee of the bureau shall not urge or oppose legislation, but upon request shall aid and assist the members of the legislature by advising as to bills and resolutions and by furnishing to them the fullest information upon all matters within the scope of the bureau relating to their public duties. However, the director may recommend legislation to the legislative council or the law revision commission. An employee of the bureau shall not reveal to any person outside the bureau the contents or nature of any matter not yet published without the consent of the person bringing the matter before the bureau. A substitute recommended by a committee, an amendment recommended by a committee, or a conference report shall be considered published when received by the clerk of the house of representatives or secretary of the senate or both, as is appropriate. The clerk of the house of representatives or the secretary of the senate, as is appropriate, shall notify the bureau upon receipt of a substitute, an amendment recommended by a committee, or a conference committee report.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1110 Text of statutes, constitution, index, and other matter included in compiled laws; maintenance; use of materials for departmental publications.

Sec. 110. The bureau shall maintain the text of the statutes, the constitution, the index, and other matter included in the compiled laws and make the text conform to the statutes and constitution as thereafter added, altered, repealed, or amended. The bureau shall preserve such parts of the catchlines, indexes, and tables prepared for the public and local acts as may be useful in maintaining the general statutes contained in the compilation. Any of the materials so maintained, by agreement made with the director upon approval of the council, may be used in the publication of such portions of the constitution and statutes as may be agreed

upon for any department or agency of the state or political subdivision of the state.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

CHAPTER 1A. UNIFORM ELECTRONIC LEGAL MATERIAL.

4.1121 Definitions.

Sec. 121. As used in this chapter:

- (a) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (b) "Legal material" means any of the following:
 - (i) The state constitution of 1963.
 - (ii) The public acts of this state.
 - (iii) The Michigan Compiled Laws.
 - (iv) A rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
 - (v) Materials related to and created by the courts in this state as provided for in a cooperative agreement entered into under section 129.
- (c) "Official publisher" means:
 - (i) For the state constitution of 1963, the legislative service bureau.
 - (ii) For the public acts of this state, the legislative service bureau.
 - (iii) For the Michigan Compiled Laws, the legislative service bureau.
 - (iv) For a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the office of performance and transformation.
- (d) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.
- (e) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (f) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

Compiler's note: For the transfer of powers and duties of the office of performance and transformation under the administrative procedures act of 1969, 1969 PA 306, to the Michigan office of administrative hearings and rules, and abolishment of the Michigan administrative hearings system, office of regulatory reinvention, and office of performance and transformation, see E.R.O. 2019-1, compiled at 324.99923.

4.1122 Applicability of chapter.

Sec. 122. This chapter applies to all legal material in an electronic record that is designated as official under section 123 and first published electronically on or after the effective date of the amendatory act that added this chapter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1123 Official publisher; duties; designation of electronic record as official; compliance.

Sec. 123. (1) If an official publisher publishes legal material only in an electronic record, the publisher shall do both of the following:

- (a) Designate the electronic record as official.
- (b) Comply with sections 124, 126, and 127.

(2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with sections 124, 126, and 127.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1124 Authentication of record.

Sec. 124. An official publisher of legal material in an electronic record that is designated as official under section 123 shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1125 Presumption of accurate copy; recognition of record from another state; contesting authentication; burden of proof.

Sec. 125. (1) Legal material in an electronic record that is authenticated under section 124 is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to this chapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(3) A party contesting the authentication of legal material in an electronic record authenticated under section 124 has the burden of proving by a preponderance of the evidence that the record is not authentic.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1126 Preservation and security of record; requirements.

Sec. 126. (1) An official publisher of legal material in an electronic record that is designated as official under section 123 shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(2) If legal material is preserved under subsection (1) in an electronic record, the official publisher shall do all of the following:

- (a) Ensure the integrity of the record.
- (b) Provide for backup and disaster recovery of the record.
- (c) Ensure the continuing usability of the material.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1127 Availability of records to the public.

Sec. 127. An official publisher of legal material in an electronic record that is required to be preserved under section 126 shall ensure that the material is reasonably available for use by the public on a permanent basis.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1128 Official publisher; implementation; considerations.

Sec. 128. In implementing this chapter, an official publisher of legal material in an electronic record shall consider all of the following:

- (a) Standards and practices of other jurisdictions.
- (b) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies.
- (c) The needs of users of legal material in an electronic record.
- (d) The views of governmental officials and entities and other interested persons.
- (e) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this chapter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1129 Cooperative agreement between council administrator and supreme court administrator's office.

Sec. 129. The council administrator may enter into a cooperative agreement with the supreme court administrator's office regarding the authentication, preservation, and publication of materials related to and created by the courts in this state.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1130 Application and construction of chapter; uniformity.

Sec. 130. In applying and construing this chapter, states that enact a statute on uniform electronic legal material as provided for in this chapter shall consider the need to promote uniformity of the law with respect to its subject matter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

4.1131 Laws superseded; exception.

Sec. 131. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 USC sections 7001 to 7031, but does not modify, limit, or supersede 15 USC 7001(c) or authorize electronic delivery of any of the notices described in 15 USC 7003(b).

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018.

CHAPTER 2 LEGISLATIVE COUNCIL FUNDS.

4.1201 Reprints; sale; disposition of money received; creation of statutes reprint publishing fund; expenditures; utilization of fund.

Sec. 201. (1) A reprint authorized under section 110 may be sold by the council at a cost not to exceed the cost of preparing, printing, and distributing the reprint.

(2) The money received from the sale of a reprint shall be deposited with the state treasurer and credited to the statutes reprint publishing fund created in subsection (3).

(3) The statutes reprint publishing fund is created in the state treasury and shall be administered by the council. The fund shall be expended only as provided in this section.

(4) The council shall utilize the statutes reprint publishing fund to pay the costs of preparing, printing, and distributing reprints.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1999, Act 264, Eff. Apr. 1, 2000.

4.1202 Statutes compilation fund; creation; administration; expenditures; disposition of money received from sale of compilations and public and local acts volumes; utilization of fund; price of publications.

Sec. 202. (1) The statutes compilation fund is created in the state treasury and shall be administered by the council. The fund shall be expended only as provided in this section.

(2) The money received from the sale of each of the following shall be deposited with the state treasurer and credited to the statutes compilation fund:

(a) The compilations of the statutes required under 1970 PA 193, MCL 8.41 to 8.48.

(b) The public and local acts volumes required under section 35 of article IV of the state constitution of 1963 and prepared and published under section 1 of 1899 PA 44, MCL 24.1.

(3) The council shall utilize the statutes compilation fund to pay the costs of preparing and publishing the publications described in subsection (2).

(4) The department of management and budget shall sell copies or electronic access of the publications described in subsection (2) at a price determined by the bureau not to exceed the actual cost of preparation, printing, and distribution.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1999, Act 264, Eff. Apr. 1, 2000.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the

administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1999, Act 101, Imd. Eff. July 6, 1999;—Am. 1999, Act 264, Eff. Apr. 1, 2000.

4.1204 Access to computerized council legislative databases and information; rules; conditions and restrictions; creation and administration of legislative computer information fund; expenditures; disposition of money received; utilization of fund; availability of database search and retrieval system on Internet; fee prohibited.

Sec. 204. (1) The council may provide access to computerized council legislative databases and information to individuals and organizations that are not a part of the legislative branch of government. The council may establish rules to implement this subsection. The council shall impose conditions and restrictions upon nonlegislative access and services as determined necessary by the council.

(2) The legislative computer information fund is created in the state treasury and shall be administered by the council. Money from the legislative computer information fund shall be expended only as provided in this section.

(3) The money received from the sale of access and related services pursuant to subsection (1), along with fees charged for training and the sale of user manuals and other money made available for these purposes, by appropriation or otherwise, shall be deposited with the state treasurer and credited to the legislative computer information fund.

(4) The council shall utilize the legislative computer information fund to pay for all of the following that are directly related to computerized council legislative databases and information:

- (a) Research and development.
- (b) Training.
- (c) Additional hardware, software, and facilities.
- (d) Acquisition of necessary support services.
- (e) Editorial and compilation expenses.

(5) Notwithstanding subsection (1), beginning July 1, 1999, the council shall make the Michigan Compiled Laws database search and retrieval system available to the public on the Internet. This subsection does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this subsection.

(6) Beginning July 1, 1999, the council shall not charge a fee to provide the Michigan Compiled Laws database search and retrieval system to the public on the Internet as provided in subsection (5).

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1998, Act 431, Imd. Eff. Dec. 30, 1998.

4.1204a Legislative calendar, notices, agendas, and listing of committees; availability on Internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204a. (1) Notwithstanding section 204, beginning January 1, 2001, the council shall make, for the current legislative session, the legislative calendar, notices of legislative committee and subcommittee meetings, including the agendas, and a listing of the committees of each house and their members available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 429, Imd. Eff. Dec. 30, 1998.

4.1204b Bills and resolutions; availability of text on Internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204b. (1) Notwithstanding section 204, beginning July 1, 1999, the council shall make the text of each bill introduced, passed by each house, and enrolled during the current legislative session available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 404, Imd. Eff. Dec. 21, 1998.

4.1204c Bill analysis; availability on Internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204c. (1) Notwithstanding section 204, beginning July 1, 1999, the council shall make each bill analysis prepared by the house legislative analysis section or the senate fiscal agency during the current legislative session available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 414, Imd. Eff. Dec. 21, 1998.

4.1204d House or senate fiscal agencies; availability of fiscal bill analysis on Internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204d. (1) Notwithstanding section 204, beginning July 1, 1999, the council shall make each fiscal bill analysis prepared by the house fiscal agency or senate fiscal agency for the current legislative session available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 413, Imd. Eff. Dec. 21, 1998.

4.1204e Bills and resolutions; availability of status on Internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204e. (1) Notwithstanding section 204, beginning July 1, 1999, the council shall make the status of every bill and resolution that is introduced in each house during the current legislative session available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee to provide the status of every bill and resolution on the Internet as provided in subsection (1).

History: Add. 1998, Act 403, Imd. Eff. Dec. 21, 1998.

4.1204f House and senate journals; availability of text on internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204f. (1) Notwithstanding section 204, beginning January 1, 2001, the council shall make the text of the house and senate journals for the current legislative session available to the public on the Internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 411, Imd. Eff. Dec. 21, 1998.

4.1204g House fiscal bill analysis; availability on internet; copyright or other proprietary interest or entitlement; fee prohibited.

Sec. 204g. (1) Notwithstanding section 204, beginning July 1, 1999, the council shall make each fiscal bill analysis prepared by the house fiscal agency for the current legislative session available to the public on the internet.

(2) The information described in subsection (1) that is maintained by the council shall be made available in the shortest feasible time after the information is available. The information described in subsection (1) that is not maintained by the council shall be made available in the shortest feasible time after it is made available to the council.

(3) This section does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under this section.

(4) The council shall not charge a fee for the information provided in this section.

History: Add. 1998, Act 430, Imd. Eff. Dec. 30, 1998.

4.1205 Repealed. 2013, Act 241, Eff. Mar. 14, 2014.

Compiler's note: The repealed section pertained to establishment, maintenance, and operation of parking facilities.

4.1206 Creation and administration of funds in state treasury.

Sec. 206. The council may, by resolution and for purposes related to the implementation of this act, create funds in the state treasury to be administered by the council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1207 Approval of expenditures.

Sec. 207. Money appropriated under any component in an appropriation act labeled legislative council shall not be expended by an agency included in that component without the approval of the legislative council.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

CHAPTER 3

MICHIGAN COMMISSION ON UNIFORM STATE LAWS.

4.1301 Michigan commission on uniform state laws; creation; composition; meetings; purpose; annual report; expenses; continuation of commissioners appointed under former law.

Sec. 301. (1) The Michigan commission on uniform state laws is created. The Michigan commission on uniform state laws shall consist of the following:

(a) Three members appointed by the council. Members appointed under this subdivision shall not be members of the legislature.

(b) Two members appointed by the majority leader of the senate, 1 from the minority party.

(c) Two members appointed by the speaker of the house, 1 from the minority party.

(d) The director of the bureau or his or her designee.

(2) The commissioners may meet and confer with commissioners of other states to bring about uniformity of state laws. The Michigan commission on uniform state laws shall report annually to the council.

(3) The expenses of the commissioners may be paid from appropriations made to the council upon vouchers approved by the council.

(4) The commissioners on uniform state laws for this state appointed under former Act No. 412 of the Public Acts of 1965 shall continue in office until commissioners for the Michigan commission on uniform state laws are appointed under this section. Commissioners on uniform state laws for this state appointed under former Act No. 412 of the Public Acts of 1965 may be appointed under this section to the Michigan commission on uniform state laws.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

CHAPTER 4

MICHIGAN LAW REVISION COMMISSION.

4.1401 Michigan law revision commission; creation; appointment, qualifications, and terms

of members; vacancy; designation of chairperson; continuation of members appointed under former law.

Sec. 401. (1) The Michigan law revision commission is created. The commission shall consist of the following:

(a) Four members appointed by the council. Members appointed under this subdivision shall not be members of the legislature.

(b) Two members appointed by the majority leader of the senate, 1 from the minority party.

(c) Two members appointed by the speaker of the house, 1 from the minority party.

(d) The director of the bureau or his or her designee, as an ex officio member.

(2) The members first appointed by the council shall be appointed for such terms that the term of 1 member will expire on each succeeding December 31. The term of a member thereafter appointed by the council, except to fill a vacancy occurring otherwise than by expiration of term, shall be 4 years from the expiration of the term of his or her predecessor. A vacancy in the office of a member appointed by the council occurring otherwise than by expiration of term, shall be filled by the council for the remainder of the unexpired term.

(3) The council shall designate 1 of the members appointed by the council as chairperson of the commission. At least 3 members appointed by the council shall be attorneys admitted to practice in the courts of this state.

(4) The 3 members of the commission appointed by the council under former Act No. 412 of the Public Acts of 1965 shall continue in office for the duration of the terms of office for which they were appointed and with the members appointed under subsection (1)(b) and (c), the director of the bureau or his or her designee, and the additional member appointed by the council under subsection (1)(a) shall constitute the Michigan law revision commission. Members shall be appointed by the council under subsection (1)(a) to replace the 3 members appointed by the council under former Act No. 412 of the Public Acts of 1965 only as the terms of those members expire. Members appointed by the council under former Act No. 412 of the Public Acts of 1965 may be appointed to the commission by the council under this section.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1402 Salaries and expenses of members; appointment, duties, and compensation of employees.

Sec. 402. Each member of the commission, other than the ex officio member, may receive an annual salary as established by the council. All members may be reimbursed their actual and necessary expenses incurred in the performance of their official duties. The commission may appoint such employees as may be needed, prescribe their duties, and fix their compensation within the amount appropriated for the commission.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1403 Duties of commission; availability of writings to public.

Sec. 403. (1) The Michigan law revision commission shall do each of the following:

(a) Examine the common law and statutes of this state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American law institute, the national conference of commissioners on uniform state laws, a bar association, or other learned bodies.

(c) Receive and consider suggestions from justices, judges, legislators, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend changes in the law it considers necessary in order to modify or eliminate antiquated and inequitable rules of law, and bring the law of this state into harmony with modern conditions.

(e) Encourage the faculty and students of the law schools of this state to participate in the work of the commission.

(f) Cooperate with law revision commissions of other states and Canadian provinces.

(g) Report its findings and recommendations to the council and annually, before January 2 of each year, to the legislature. If the commission considers it advisable, it shall accompany the commission's report with proposed bills to implement the recommendations.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

CHAPTER 5
SENATE FISCAL AGENCY.

4.1501 Senate fiscal agency; creation; purpose; government; availability of writings to public; confidentiality; definitions; employees as nontenured, at-will employees; discipline, transfer, demotion, suspension, or summary discharge of employee.

Sec. 501. (1) There is created a nonpartisan agency to be known as the senate fiscal agency to be of service to the appropriations committee of the senate and other members of the senate. The senate fiscal agency shall be governed by a board of 5 members, including the majority and minority leaders of the senate, the chairperson of the appropriations committee of the senate and 2 other members of the appropriations committee of the senate to be appointed by the chairperson of the appropriations committee with the concurrence of the majority leader of the senate, 1 from the minority party.

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

(3) An employee of the agency shall not reveal to any person who is not an employee of the senate fiscal 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 who is sponsoring or requesting the bill, substitute, amendment, resolution, special report, or proposal. A bill shall not be considered published until it is introduced. A substitute, an amendment, or a conference report shall be considered published when received by the secretary of the senate, clerk of the house of representatives, or both, as is appropriate. As used in this subsection:

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

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

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

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.

4.1502 Senate Fiscal analysis; requirements.

Sec. 502. (1) The senate fiscal agency shall prepare, for each bill that is scheduled for a hearing before a standing committee of the senate, a fiscal analysis that contains all of the following:

(a) A summary that explains the changes the bill would make to existing law.

(b) An estimate of the potential impact or amount by which the bill would increase or decrease governmental revenues and expenditures, and which funds the bill would affect. If federal funding received by the state would be affected by the bill, the analysis must include an estimate of that effect.

(c) If the bill would increase or decrease state taxes or fees, the analysis may include an estimate of the impact on payers of the taxes or fees.

(d) Any other information the senate fiscal agency considers necessary to explain the fiscal effect of the bill including, but not limited to, potential impacts to local units of government.

(2) The senate fiscal agency shall provide the fiscal analysis prepared under subsection (1) to the clerk of the committee and to the public on the internet.

(3) The senate fiscal agency shall prepare a revised fiscal analysis, as necessary, that incorporates any change to a bill described in subsection (1).

History: Add. 2018, Act 340, Eff. Dec. 12, 2018.

CHAPTER 6
HOUSE FISCAL AGENCY.

4.1601 House fiscal agency; creation; purpose; governing committee; availability of writings to public; confidentiality; definitions; financial statements; employees as nontenured, at-will employees; discipline, transfer, demotion, suspension, or summary discharge of

employee.

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

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

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

- (i) The co-speakers.
- (ii) The co-chairpersons of the appropriations committee.
- (iii) The co-vice-chairpersons of the appropriations committee.
- (iv) The co-floor leaders.

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

- (i) The speaker of the house.
- (ii) The minority leader.
- (iii) The chairperson of the appropriations committee.
- (iv) The minority vice-chairperson of the appropriations committee.
- (v) The majority floor leader.
- (vi) The minority floor leader.

(3) If the house of representatives is controlled by co-speakers pursuant to a joint leadership agreement between republican and democratic members of the house of representatives, the co-chairpersons of the house appropriations committee are the co-chairpersons of the governing committee of the house fiscal agency. The co-chairpersons of the governing committee of the house fiscal agency shall alternate as chairperson of the governing committee. The democratic co-chairperson of the house appropriations committee shall preside as chairperson in months during which the presiding officers of the house of representatives are republican and the republican co-chairperson of the house appropriations committee shall preside as chairperson in months during which the presiding officers of the house of representatives are democratic. If the house of representatives is controlled by a single speaker, the chairperson of the house appropriations committee is the chairperson of the governing committee of the house fiscal agency.

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

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

(6) An employee of the house fiscal agency shall not reveal to any person who is not an employee of the house fiscal 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 who is sponsoring or requesting the bill, substitute, amendment, resolution, special report, or proposal. A bill shall not be considered published until it is introduced. A substitute, an amendment, or a conference report shall be considered published when received by the secretary of the senate or the clerk of the house of representatives, or both, as is appropriate. As used in this subsection:

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

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

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

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

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986;—Am. 1993, Act 24, Imd. Eff. Apr. 14, 1993;—Am. 1999, Act 95, Imd. Eff. July 1,

1999.

4.1602 House Fiscal analysis; requirements.

Sec. 602. (1) The house fiscal agency shall prepare, for each bill that is scheduled for a hearing before a standing committee of the house of representatives, a fiscal analysis that contains all of the following:

(a) A summary that explains the changes the bill would make to existing law.
(b) An estimate of the potential impact or amount by which the bill would increase or decrease governmental revenues and expenditures, and which funds the bill would affect. If federal funding received by the state would be affected by the bill, the analysis must include an estimate of that effect.

(c) If the bill would increase or decrease state taxes or fees, the analysis may include an estimate of the impact on payers of the taxes or fees.

(d) Any other information the house fiscal agency considers necessary to explain the fiscal effect of the bill including, but not limited to, potential impacts to local units of government.

(2) The house fiscal agency shall provide the fiscal analysis prepared under subsection (1) to the clerk of the committee and to the public on the internet.

(3) The house fiscal agency shall prepare a revised fiscal analysis, as necessary, that incorporates any change to a bill described in subsection (1).

History: Add. 2018, Act 340, Eff. Dec. 12, 2018.

CHAPTER 7 MICHIGAN CAPITOL COMMITTEE

4.1701, 4.1702 Repealed. 2018, Act 638, Eff. Mar. 29, 2019.

Compiler's note: The repealed sections pertained to the creation, powers, and duties of the Michigan capitol committee.

CHAPTER 7A

4.1751-4.1753 Repealed. 2007, Act 96, Eff. Sept. 30, 2010.

Compiler's note: The repealed sections pertained to definitions, legislative commission on government efficiency, and reports.

CHAPTER 7B

4.1781-4.1783 Repealed. 2007, Act 98, Eff. Sept. 30, 2010.

Compiler's note: The repealed sections pertained to definitions, legislative commission on statutory mandates, and reports.

CHAPTER 8 COMMISSION ON INTERGOVERNMENTAL RELATIONS.

4.1801-4.1807 Repealed. 1988, Act 100, Eff. Oct. 1, 1992.

CHAPTER 9 REPEALS.

4.1901 Repeal of MCL 4.311 to 4.327.

Sec. 901. Act No. 412 of the Public Acts of 1965, being sections 4.311 to 4.327 of the Michigan Compiled Laws, is repealed.

History: 1986, Act 268, Imd. Eff. Dec. 19, 1986.