

calendar year; and the word 'year' alone shall be equivalent to the words 'year of our Lord'."

It is, therefore, my opinion that members of the board of supervisors of Berrien County, aside from the chairman, are limited to a total of 60 compensable days of committee work on days upon which the board of supervisors is not in session during a calendar year.

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Attorney General.

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MUNICIPAL FINANCE COMMISSION: Membership – Quorum.

The present constituency of the Municipal Finance Commission is the Attorney General, the State Treasurer and the Superintendent of Public Instruction, with subordinates appearing in their behalf in the manner provided by law.

The quorum requirement of three members continues in the manner prescribed in the Municipal Finance Act at Chapter II, Section 2(a) which provides that the Commission may act only by order of not less than three members thereof.

No. 4504

August 2, 1966.

E. Boomie Mikrut
Director
Municipal Finance Commission
Lansing, Michigan

Act 202, Public Acts of 1943, as amended,¹ cited as the Municipal Finance Act, provides in part for the creation and membership of a Municipal Finance Commission by stating:

"There is hereby created a commission to be known as the municipal finance commission and to be composed of the state treasurer, the attorney general, the auditor general, and the superintendent of public instruction. Each member of the commission for the purposes of this act, may act under any and all circumstances through his deputy. The attorney general may also act through an assistant attorney general designated by him and the superintendent of public instruction may also act through an officer or employee of his department designated by him."²

The Michigan Constitution of 1963 provides for the appointment of the Auditor General and requires that he be assigned no duties other than those specified therein.³ The only specific duties involved in the constitutional provision are auditing functions under the direction of the legislature.

¹ C.L. '48 § 131.1 et seq.; M.S.A. 1958 Rev. Vol. and 1965 Cum. Supp. § 5.3188(1) et seq.

² C.L. '48 § 132.1; M.S.A. 1958 Rev. Vol. § 5.3188(3).

³ Article IV, Section 53, Michigan Constitution of 1963.

Act 380, Public Acts of 1965,⁴ cited as the Executive Organization Act of 1965, provides for the transfer of the powers, duties and functions held by the former elected Auditor General to the Department of Treasury, and abolishes the office of elected Auditor General.⁵

Under the foregoing circumstances you request my opinion in response to the following question:

"With the Auditor General going out of existence on Monday, November 29, 1965, what will constitute a quorum for the transaction of official business by the Municipal Finance Commission?"

The Municipal Finance Act provides at Chapter II, Section 2(a)⁶ as follows:

"To act by an order issued in the name of the commission and signed by not less than 3 members thereof: Provided, That the signature of the deputy of any such member when acting for his principal, or of any designated representative of the attorney general or superintendent of public instruction, shall have the same force and effect as the signature of such member."

Therefore, it is appropriate to consider the following question before answering your request:

"In light of the changes brought about by the Michigan Constitution of 1963, who presently constitute the Commission created by the Municipal Finance Act?"

By Section 88 of the Executive Organization Act of 1965⁷ the Municipal Finance Commission was transferred to the Department of Treasury intact as a Type I transfer. Section 77 of that act⁸ provides for the transfer, by a Type I transfer, of all powers, duties and functions vested in the State Treasurer to the Department of Treasury, now headed by the State Treasurer. By Section 303 of that act⁹ all powers, duties and functions now vested in the Superintendent of Public Instruction are transferred by a Type III transfer to the Department of Education, headed by the State Board of Education. By Act 287, Public Acts of 1964,¹⁰ the legislature has provided at Section 14¹¹ in part as follows:

"After June 30, 1965, a reference in any law to the powers and duties of the superintendent of public instruction is deemed to be made to the state board unless the law names the superintendent as a member of another governmental agency or provides for an appeal to the state board of education from a decision of the superintendent,

⁴ M.S.A. 1965 Cum. Supp. § 3.29(1) et seq.

⁵ M.S.A. 1965 Cum. Supp. § 3.29(75) thru § 3.29(82).

⁶ C.L. '48 § 132.2; M.S.A. 1958 Rev. Vol. § 5.3188(4).

⁷ M.S.A. 1965 Cum. Supp. § 3.29(88).

⁸ M.S.A. 1965 Cum. Supp. § 3.29(77).

⁹ M.S.A. 1965 Cum. Supp. § 3.29(303).

¹⁰ M.S.A. 1965 Cum. Supp. § 15.1023(1) et seq.

¹¹ M.S.A. 1965 Cum. Supp. § 15.1023(14).

in which cases the reference is deemed to be made to the superintendent of public instruction appointed under the 1963 constitution.”

By Section 52 of the Executive Organization Act of 1965¹² the powers, duties and functions of the Attorney General are transferred by a Type I transfer to the Department of Attorney General, headed by the Attorney General.

Of the constituency of the Municipal Finance Commission, only the office of Auditor General appears extinguished by the merger of the power in the Department of Treasury under the State Treasurer as head of that Department.

Accordingly, it is my opinion that the present constituency of the Municipal Finance Commission is the Attorney General, the State Treasurer and the Superintendent of Public Instruction, with subordinates appearing in their behalf in the manner provided by law.

Because the Municipal Finance Commission is authorized to act by order signed by at least three members or their authorized designees or deputies in the manner provided by statute,¹³ the quorum requirement of three members or their permitted subordinates continues in the absence of any statutory provision permitting less than three to act as a Municipal Finance Commission.

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Attorney General.

¹² M.S.A. 1965 Cum. Supp. § 3.29(52).

¹³ C.L. '48 § 132.2; M.S.A. 1958 Rev. Vol. § 5.3188(4).