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BILL



ANALYSIS

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House Bill 4116 (Substitute S-1 as by the Committee of the Whole)

Sponsor: Representative Paul Opsommer

House Committee: Oversight, Reform, and Ethics

Senate Committee: Government Operations

CONTENT

The bill would amend an act entitled, "Of certain state officers", to do the following with respect to a cross boundary memorandum of agreement (MOA):

- Require a governmental unit or officer, before entering into a cross boundary MOA, to forward to the Attorney General all of the following: a copy of the MOA; a written preliminary review of whether the MOA was legally binding or enforceable; and, for an MOA that appeared to be legally binding or enforceable, a written full review.
- Require a written full review to include consideration of State and Federal constitutional requirements and limitations; and the existence of statutory authority for the MOA and the extent of any authority granted to the entity or officer who would execute it.
- Require the governmental unit or officer to forward an executed MOA to the Office of the Great Seal and send a copy to the Attorney General.
- Require each governmental unit, by September 1, 2014, to forward to the Office of the Great Seal a copy of any cross boundary MOA entered into before September 1, 2012, that was still in effect.
- Require the Office of the Great Seal, by September 1, 2012, to create a publicly accessible central repository of cross boundary MOAs.

The bill would define "cross boundary memorandum of agreement" as a memorandum of agreement, memorandum of understanding, memorandum of record, compact, or similar agreement that a governmental unit of this State proposes to enter into or enters into with the Federal government or a unit of government located outside of this State. "Governmental unit" would mean a State department, agency, division, or any other entity or subunit derived from those public bodies.

Proposed MCL 14.32a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Reviews of cross boundary agreements would increase the costs of the governmental units covered by the bill that entered into a cross boundary memorandum of agreement by an unknown amount. The Department of Attorney General would have cost increases of a minimal amount to receive the detailed reviews and executed agreements.

Additionally, there could be an increase in costs to the Department of State associated with the establishment and maintenance of a publicly accessible central repository. The amount of the potential costs should be absorbable within the Department's annual appropriation.

Date Completed: 6-14-12

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Bill Analysis @ www.senate.michigan.gov/sfa

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