

HOUSE BILL No. 5801

February 9, 2010, Introduced by Reps. Mayes, McDowell, Kennedy and Barnett and referred to the Committee on Judiciary.

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
(MCL 4.1101 to 4.1901) by adding section 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 502. (1) NOT LATER THAN DECEMBER 31 OF 2010 AND EVERY
2 YEAR THEREAFTER, THE HOUSE AND SENATE FISCAL AGENCIES SHALL ISSUE A
3 REPORT TO THE LEGISLATURE, THE GOVERNOR, AND THE MICHIGAN COURT OF
4 APPEALS REGARDING THE STATE'S COMPLIANCE WITH ITS FUNDING
5 OBLIGATIONS TO LOCAL UNITS OF GOVERNMENT UNDER SECTION 29 OF
6 ARTICLE IX OF THE STATE CONSTITUTION OF 1963. THE REPORT SHALL
7 CONTAIN ALL OF THE FOLLOWING:

8 (A) THE STATE-FINANCED PROPORTION OF THE NECESSARY COST OF
9 EACH ACTIVITY OR SERVICE REQUIRED OF LOCAL UNITS OF GOVERNMENT BY

1 EXISTING LAW.

2 (B) THE NATURE AND SCOPE OF EACH STATE REQUIREMENT THAT
3 REQUIRES A DISBURSEMENT UNDER SECTION 29 OF ARTICLE IX OF THE STATE
4 CONSTITUTION OF 1963.

5 (C) THE NATURE AND SCOPE OF EACH ACTION IMPOSING A POTENTIAL
6 COST ON A LOCAL UNIT OF GOVERNMENT THAT IS NOT A STATE REQUIREMENT
7 AND DOES NOT REQUIRE A DISBURSEMENT UNDER SECTION 29 OF ARTICLE IX
8 OF THE STATE CONSTITUTION OF 1963.

9 (D) THE IDENTITY OR TYPE OF LOCAL UNIT OF GOVERNMENT AT WHICH
10 EACH STATE REQUIREMENT OR REQUIRED EXISTING ACTIVITY OR SERVICE IS
11 DIRECTED.

12 (E) WHETHER AN IDENTIFIABLE LOCAL DIRECT COST IS NECESSITATED
13 BY EACH IDENTIFIED STATE REQUIREMENT OR REQUIRED EXISTING ACTIVITY
14 OR SERVICE.

15 (F) THE AMOUNT OF STATE FINANCIAL PARTICIPATION NEEDED TO MEET
16 EACH IDENTIFIABLE LOCAL DIRECT COST.

17 (G) THE STATE AGENCY CHARGED WITH SUPERVISING EACH IDENTIFIED
18 STATE REQUIREMENT OR REQUIRED EXISTING ACTIVITY OR SERVICE.

19 (H) A BRIEF DESCRIPTION OF THE PURPOSE AND ORIGIN OF EACH
20 STATE REQUIREMENT OR REQUIRED EXISTING ACTIVITY OR SERVICE.

21 (I) A RECOMMENDATION AS TO WHETHER ANY STATE REQUIREMENT OR
22 ACTIVITY OR SERVICE REQUIRED OF LOCAL UNITS OF GOVERNMENT BY
23 EXISTING LAW SHOULD BE ELIMINATED, REDESIGNED TO REDUCE THE COST OF
24 COMPLIANCE, OR FULLY OR PROPORTIONATELY FUNDED BY THE STATE,
25 DEPENDING ON THE DATE THE REQUIREMENT WAS FIRST IMPOSED.

26 (J) A RECOMMENDATION AS TO WHETHER REQUIRED STANDARDS OF
27 PERFORMANCE FOR OPTIONAL ACTIVITIES AND SERVICES PROVIDED BY LOCAL

1 UNITS OF GOVERNMENT OR REQUIREMENTS NOT OTHERWISE SUBJECT TO
2 SECTION 29 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 SHOULD
3 BE REDUCED, REFORMED, ELIMINATED, OR FULLY FUNDED BY THE STATE. THE
4 RECOMMENDATION SHALL CONSIDER WHETHER REQUIREMENTS CONTINUE TO BE
5 NECESSARY IN LIGHT OF THE PUBLIC INTEREST AND THE FINANCIAL
6 CONDITION OF THE AFFECTED LOCAL UNITS OF GOVERNMENT AND WHETHER THE
7 STATE SHOULD MODIFY THE REQUIREMENTS TO REDUCE THE COST OR INCREASE
8 THE EFFICIENCY WITH WHICH THE ACTIVITIES AND SERVICES CAN BE
9 PROVIDED.

10 (2) IF THE COURT OF APPEALS RULES THAT THE STATE HAS FAILED TO
11 FULLY FUND THE COST OF COMPLYING WITH STATE REQUIREMENTS OR THE
12 STATE-FINANCED PROPORTION OF THE NECESSARY COST OF AN EXISTING
13 ACTIVITY OR SERVICE REQUIRED OF LOCAL UNITS OF GOVERNMENT, THE
14 HOUSE AND SENATE FISCAL AGENCIES SHALL PROVIDE RECOMMENDATIONS TO
15 THE LEGISLATURE ON HOW TO ADDRESS THOSE DECISIONS.