

HOUSE BILL No. 6414

September 8, 2010, Introduced by Rep. Opsommer and referred to the Committee on
Judiciary.

A bill to amend 1846 RS 12, entitled
"Of certain state officers,"
(MCL 14.28 to 14.35) by adding section 32a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 32A. (1) THE ATTORNEY GENERAL SHALL REVIEW EACH
2 MEMORANDUM OF UNDERSTANDING, MEMORANDUM OF AGREEMENT, MEMORANDUM OF
3 RECORD, COMPACT, OR SIMILAR BINDING AGREEMENT BETWEEN THIS STATE
4 AND THE FEDERAL GOVERNMENT OR ANOTHER UNIT OF GOVERNMENT LOCATED
5 OUTSIDE OF THIS STATE BEFORE THIS STATE OR A DEPARTMENT, AGENCY, OR
6 OFFICER OF THIS STATE EXECUTES THE AGREEMENT. THE PROPOSED
7 AGREEMENT SHALL BE FORWARDED TO THE ATTORNEY GENERAL FOR REVIEW TO
8 DETERMINE WHETHER THE AGREEMENT IS IN CONFORMITY WITH
9 CONSTITUTIONAL REQUIREMENTS AND LIMITATIONS AND WHETHER THE

1 AGREEMENT IS AUTHORIZED BY LAW AND DOES NOT EXCEED THE STATUTORY
2 AUTHORITY GRANTED TO THE DEPARTMENT, AGENCY, OR OFFICER THAT
3 EXECUTES THE AGREEMENT. THE ATTORNEY GENERAL SHALL SEND A NOTICE
4 THAT INCLUDES THE REASONS FOR EACH DETERMINATION THAT A PROPOSED
5 AGREEMENT DOES NOT MEET THE REQUIREMENTS IN THIS SUBSECTION TO THE
6 DEPARTMENT, AGENCY, OR OFFICER THAT SUBMITS THE AGREEMENT AND TO
7 THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF
8 REPRESENTATIVES.

9 (2) AN AGREEMENT REQUIRED TO BE REVIEWED UNDER THIS SECTION
10 SHALL NOT BE ENTERED INTO OR TAKE EFFECT UNTIL EITHER THE ATTORNEY
11 GENERAL DETERMINES THAT THE AGREEMENT MEETS THE REQUIREMENTS IN
12 SUBSECTION (1) OR 90 DAYS HAVE PASSED AFTER THE ATTORNEY GENERAL
13 RECEIVES THE AGREEMENT FOR REVIEW AND THE ATTORNEY GENERAL HAS NOT
14 INFORMED THE DEPARTMENT, AGENCY, OR OFFICER THAT SUBMITTED THE
15 AGREEMENT FOR REVIEW THAT THAT THE AGREEMENT IS NOT IN CONFORMITY
16 WITH CONSTITUTIONAL REQUIREMENTS OR LIMITATIONS, IS NOT AUTHORIZED
17 BY LAW, OR EXCEEDS THE STATUTORY AUTHORITY GRANTED TO THAT
18 DEPARTMENT, AGENCY, OR OFFICER.

19 (3) A DEPARTMENT, AGENCY, OR OFFICER MAY REVISE AND RESUBMIT
20 AN AGREEMENT AFTER NOTIFICATION FROM THE ATTORNEY GENERAL THAT IT
21 DOES NOT MEET THE REQUIREMENTS IN SUBSECTION (1). THE REQUIREMENTS
22 OF SUBSECTIONS (1) AND (2) APPLY TO THE REVISED PROPOSED AGREEMENT
23 IN THE SAME MANNER AS TO THE ORIGINAL SUBMISSION.

24 (4) THE ATTORNEY GENERAL SHALL MAINTAIN A WEBSITE THAT IS
25 AVAILABLE TO THE PUBLIC WITH INFORMATION RELATING TO EACH
26 MEMORANDUM OF UNDERSTANDING, MEMORANDUM OF AGREEMENT, MEMORANDUM OF
27 RECORD, COMPACT, AND SIMILAR BINDING AGREEMENT BETWEEN THIS STATE

1 AND THE FEDERAL GOVERNMENT OR OTHER UNITS OF GOVERNMENT LOCATED
2 OUTSIDE OF THIS STATE. THE WEBSITE SHALL ALSO LIST EACH
3 DETERMINATION THAT A PROPOSED AGREEMENT DOES NOT MEET THE
4 REQUIREMENTS IN SUBSECTION (1) AND THE REASONS FOR THE
5 DETERMINATION.