

HOUSE BILL No. 4116

January 20, 2011, Introduced by Reps. Opsommer, Knollenberg, Rendon, Genetski, Rogers, Agema, Damrow, Johnson and Daley and referred to the Committee on Oversight, Reform, and Ethics.

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 AGREEMENT, MEMORANDUM OF UNDERSTANDING, 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 STATE AND
9 FEDERAL 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 ISSUES A WRITTEN OPINION TO THE REFERRING DEPARTMENT,
12 AGENCY, OR OFFICER THAT THE AGREEMENT MEETS THE REQUIREMENTS IN
13 SUBSECTION (1) OR 90 DAYS HAVE PASSED AFTER THE ATTORNEY GENERAL
14 RECEIVES THE AGREEMENT FOR REVIEW AND THE ATTORNEY GENERAL HAS NOT
15 PROVIDED THE DEPARTMENT, AGENCY, OR OFFICER THAT SUBMITTED THE
16 AGREEMENT FOR REVIEW WITH A WRITTEN OPINION THAT THE AGREEMENT IS
17 NOT IN CONFORMITY WITH CONSTITUTIONAL REQUIREMENTS OR LIMITATIONS,
18 IS NOT AUTHORIZED BY LAW, OR EXCEEDS THE STATUTORY AUTHORITY
19 GRANTED TO THAT DEPARTMENT, AGENCY, OR OFFICER.

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

25 (4) THE ATTORNEY GENERAL SHALL ESTABLISH AND UPDATE A WEBSITE
26 AVAILABLE TO THE PUBLIC THAT INCLUDES EACH MEMORANDUM OF AGREEMENT,
27 MEMORANDUM OF UNDERSTANDING, MEMORANDUM OF RECORD, COMPACT, AND

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