

SUBSTITUTE FOR  
HOUSE BILL NO. 4026

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) BEGINNING SEPTEMBER 1, 2014, WITHIN 10 DAYS  
2        AFTER EXECUTING A CROSS BOUNDARY MEMORANDUM OF AGREEMENT, A  
3        GOVERNMENTAL UNIT OR OFFICER OF THIS STATE SHALL FORWARD THE  
4        EXECUTED AGREEMENT TO THE OFFICE OF THE GREAT SEAL WITH A COPY TO  
5        THE ATTORNEY GENERAL.

6        (2) BY SEPTEMBER 1, 2016, EACH STATE GOVERNMENTAL UNIT SHALL  
7        FORWARD A COPY OF ANY CROSS BOUNDARY MEMORANDUM OF AGREEMENT THAT  
8        IT ENTERED INTO BEFORE SEPTEMBER 1, 2014, AND THAT IS LEGALLY  
9        BINDING AND STILL IN EFFECT, TO THE OFFICE OF THE GREAT SEAL.

10       (3) THE OFFICE OF THE GREAT SEAL SHALL ESTABLISH AND MAINTAIN

1 A PUBLICLY ACCESSIBLE CENTRAL REPOSITORY AND SHALL ACCEPT AND  
2 OFFICIALLY FILE EACH CROSS BOUNDARY MEMORANDUM OF AGREEMENT  
3 FORWARDED TO IT UNDER SUBSECTION (1) OR (2) IN THE CENTRAL  
4 REPOSITORY. THE OFFICE OF THE GREAT SEAL SHALL MAKE THE CENTRAL  
5 REPOSITORY ACCESSIBLE VIA THE INTERNET BY 1 YEAR AFTER THE OFFICE  
6 OF THE GREAT SEAL OR ITS ASSIGNEES OR SUCCESSORS MAKE INTERLOCAL  
7 AGREEMENTS CREATED UNDER THE URBAN COOPERATION ACT OF 1967, 1967  
8 (EX SESS) PA 7, MCL 124.501 TO 124.512, ACCESSIBLE TO THE PUBLIC  
9 VIA THE INTERNET.

10 (4) THIS SECTION DOES NOT REQUIRE THE DISCLOSURE OF A PUBLIC  
11 RECORD THAT IS OTHERWISE PROHIBITED BY LAW FROM PUBLIC DISCLOSURE,  
12 IS PRIVILEGED, OR IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF  
13 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THIS SECTION  
14 DOES NOT AND SHALL NOT BE CONSTRUED TO PROHIBIT OR PREEMPT FROM  
15 PUBLIC DISCLOSURE ANY CROSS BOUNDARY MEMORANDUM OF AGREEMENT FOR  
16 THE SOLE REASON THAT IT WAS EXECUTED BY THE GOVERNOR OR THE  
17 LIEUTENANT GOVERNOR OR AN AGENT OR EMPLOYEE OF THE GOVERNOR OR  
18 LIEUTENANT GOVERNOR.

19 (5) AS USED IN THIS ACT:

20 (A) "CROSS BOUNDARY MEMORANDUM OF AGREEMENT" MEANS A  
21 MEMORANDUM OF AGREEMENT, MEMORANDUM OF UNDERSTANDING, MEMORANDUM OF  
22 RECORD, COMPACT, OR SIMILAR AGREEMENT THAT A GOVERNMENTAL UNIT OR  
23 OFFICER OF THIS STATE ENTERS INTO WITH THE FEDERAL GOVERNMENT OR A  
24 UNIT OF GOVERNMENT LOCATED OUTSIDE OF THIS STATE.

25 (B) "GOVERNMENTAL UNIT" MEANS A STATE DEPARTMENT, AGENCY,  
26 DIVISION, OR ANY OTHER ENTITY OR SUBUNIT DERIVED FROM THOSE PUBLIC  
27 BODIES.

1           Enacting section 1. This amendatory act takes effect September  
2   1, 2013.