



HOUSE BILL No. 4144

February 3, 1993, Introduced by Reps. Gustafson, Kukuk, Voorhees, Vorva, Whyman, Hammerstrom, Galloway, Jersevic, Hoffman, McNutt, Alley, Gnodtke, Dobronski, McManus, London, Kaza, Gernaat, Hill, Gilmer, Shugars, Bryant, Bender, Goschka, Dalman, Middaugh, DeLange, Randall, Llewellyn, Schroer, Curtis, Allen, Oxender, Bullard, Middleton, Stille, Keith, Munsell, Nye, Jaye, Cropsey, Martin and Lowe and referred to the Committee on House Oversight and Ethics.

A bill to amend section 2 of Act No. 442 of the Public Acts of 1976, entitled

"Freedom of information act,"

being section 15.232 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 442 of the Public Acts of
2 1976, being section 15.232 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Person" means an individual, corporation, partnership,
6 firm, organization, or association.

7 (b) "Public body" means:

8 (i) A state officer, employee, agency, department, division,
9 bureau, board, commission, council, authority, or other body in
10 the executive branch of the state government. ~~but~~ PUBLIC

1 BODY does not include the governor or lieutenant governor, the
2 executive office of the governor or lieutenant governor, or
3 employees ~~thereof~~ OF THE GOVERNOR OR LIEUTENANT GOVERNOR OR OF
4 THE EXECUTIVE OFFICE OF THE GOVERNOR OR LIEUTENANT GOVERNOR.

5 (ii) An agency, BUREAU, board, commission, ~~or~~ council, OR
6 LIBRARY in the legislative branch of ~~the~~ state government.
7 ONLY FOR PURPOSES OF RESPONDING TO A REQUEST FOR A LEGISLATIVE
8 FINANCIAL RECORD, PUBLIC BODY ALSO INCLUDES THE STATE SENATE, THE
9 STATE HOUSE OF REPRESENTATIVES, A COMMITTEE OF EITHER HOUSE, AND
10 EACH SENATOR AND REPRESENTATIVE. AS USED IN THIS SUBPARAGRAPH,
11 "FINANCIAL RECORD" MEANS A BUDGET, CONTRACT, VOUCHER, AUDIT
12 REPORT, OR ANY OTHER EVIDENCE OF AN EXPENDITURE OR AUTHORIZATION
13 FOR AN EXPENDITURE.

14 (iii) A county; ~~—~~ city; ~~—~~ township; ~~—~~ village; ~~—~~
15 intercounty, intercity, or regional governing body; ~~—~~ council;
16 ~~—~~ school district; ~~—~~ special district; ~~—~~ or municipal
17 corporation; ~~—~~ or a board, department, commission, council, or
18 agency ~~thereof~~ OF ANY OF THE LEGAL ENTITIES SPECIFIED IN THIS
19 SUBPARAGRAPH.

20 (iv) Any other body ~~which~~ THAT is created by state or
21 local authority or ~~which~~ THAT is primarily funded by or through
22 state or local authority.

23 (v) ~~The~~ PUBLIC BODY DOES NOT INCLUDE THE judiciary,
24 including the office of the county clerk and ~~employees thereof~~
25 AN EMPLOYEE OF THE COUNTY CLERK when acting in the capacity of
26 clerk to the circuit court. ~~—, is not included in the definition~~
27 ~~of public body.~~

1 (c) "Public record" means a writing prepared, owned, used,
2 in the possession of, or retained by a public body in the per-
3 formance of an official function, from the time it is created.

4 This act separates public records into 2 classes:

5 (i) ~~those which~~ THOSE THAT are exempt from disclosure
6 under section 13. ~~and~~

7 (ii) ~~all~~ ALL others, which ~~shall be~~ ARE subject to dis-
8 closure under this act.

9 (d) "Unusual circumstances" means any 1 or a combination of
10 the following, but only to the extent necessary for the proper
11 processing of a request:

12 (i) The need to search for, collect, or appropriately
13 examine or review a voluminous amount of separate and distinct
14 public records pursuant to a single request.

15 (ii) The need to collect the requested public records from
16 numerous field offices, facilities, or other establishments
17 ~~which~~ THAT are located apart from the particular office receiv-
18 ing or processing the request.

19 (e) "Writing" means handwriting, typewriting, printing, pho-
20 tostating, photographing, photocopying, and ~~every~~ ANY other
21 means of recording. ~~and~~ WRITING includes letters, words, pic-
22 tures, sounds, ~~or~~ AND symbols, ~~or combinations~~ AND ANY
23 COMBINATION thereof, ~~and~~ AS WELL AS papers, maps, magnetic or
24 paper tapes, photographic films or prints, microfilm, microfiche,
25 magnetic or punched cards, discs, drums, ~~or~~ AND other means of
26 recording or retaining meaningful content.