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BILL ANALYSIS



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House Bill 5832 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Robert Brackenridge
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

CONTENT

The bill would create the "Enhanced Access to Public Records Act" to provide that, upon authorization of its governing body, a public body could provide enhanced access for the inspection, copying, or purchasing of a public record that was not confidential or otherwise exempt by law from disclosure. A public body could charge a reasonable fee established by its governing body for providing enhanced access, or for providing access to a geographical information system or the output from a geographical information system. Before providing enhanced access to a member of the general public, a public body would have to adopt an enhanced access policy that complied with the bill. "Enhanced access" would mean a public record's immediate availability for public inspection, purchase, or copying by digital means; it would not include the transfer of ownership of a public record. "Geographical information system" would mean an informational unit or network capable of producing customized maps based on a digital representation of geographical data. (The terms "public body" and "public record" would be defined as they are in the Freedom of Information Act (FOIA).)

The bill would not limit access to a public record under the FOIA. A public record available by enhanced access would have to be made available for inspection or copying in accordance with that Act. The section of the bill allowing public bodies to provide enhanced access and charge fees would not apply to public records prepared under an act specifically authorizing the sale of those public records to the public, or where the amount of the fee for providing a copy of the public record was otherwise specifically provided by an act or statute.

An individual elected or appointed to a public body could not have an ownership interest in, or accept compensation from, a person who sold information obtained from a public record of a public body; this provision would not apply to ownership interest in the stock of a publicly traded corporation or to a school board member. An individual elected or appointed to a city, village, township, or county board or governing body could not have an ownership interest in, or accept compensation from, a person who sold to a candidate information that was obtained from a qualified voter file or driver's license list maintained by the public body; this provision would not apply to compensation accepted from a public body.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact, which would depend on the number of public bodies that developed enhanced access to public records. The bill would allow a public body to charge a fee for providing access that would enable it to recover operating expenses. A public body also could charge a reasonable fee for access to a geographical information system.

Date Completed: 12-10-96

Fiscal Analyst: B. Bowerman

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