

Act No. 462
Public Acts of 1996
Approved by the Governor
December 21, 1996
Filed with the Secretary of State
December 26, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Rep. Brackenridge

Reps. Baade, Bodem, Brewer, Bush, Cherry, Crissman, Dalman, DeHart, DeLange, Dobronski, Dolan, Galloway, Gernaat, Gire, Gnodtke, Goschka, Gustafson, Harder, Jamian, Jersevic, Johnson, Kukuk, LaForge, Law, Llewellyn, London, McBryde, McManus, McNutt, Middleton, Palamara, Perricone, Rocca, Sikkema, Tesanovich and Wetters named co-sponsors

ENROLLED HOUSE BILL No. 5832

AN ACT to authorize public bodies to provide enhanced access to certain public records and to impose certain fees for providing that enhanced access; to regulate enhanced access to certain public records; and to authorize public bodies to establish and impose fees for the use of geographical information systems.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "enhanced access to public records act".

Sec. 2. As used in this act:

(a) "Enhanced access" means a public record's immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.

(b) "Geographical information system" means an informational unit or network capable of producing customized maps based on a digital representation of geographical data.

(c) "Operating expenses" includes, but is not limited to, a public body's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.

(d) "Person" means that term as defined in section 2 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

(e) "Public body" means that term as defined in section 2 of Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

(f) "Public record" means that term as defined in section 2 of Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

(g) "Reasonable fee" means a charge calculated to enable a public body to recover over time only those operating expenses directly related to the public body's provision of enhanced access.

(h) "Software" means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.

Sec. 3. (1) In accordance with this act, a public body may do all of the following:

(a) Upon authorization of the governing body of the public body, provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.

(b) Subject to subsection (2), charge a reasonable fee established by the public body's governing body for providing enhanced access.

(c) Charge a reasonable fee established by the public body's governing body for providing access to either of the following:

(i) A geographical information system.

(ii) The output from a geographical information system.

(2) This act does not limit access to a public record under Act No. 442 of the Public Acts of 1976. A public record available by enhanced access shall be made available for inspection or copying in accordance with Act No. 442 of the Public Acts of 1976. This section does not apply to public records prepared under an act or statute 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 is otherwise specifically provided by an act or statute.

(3) Before providing enhanced access to a member of the general public, a public body that elects to provide enhanced access shall adopt an enhanced access policy that complies with this act.

(4) This act does not require a public body to provide enhanced access to a specific public record if that public body has not established an enhanced access policy in accordance with subsection (3) with respect to that specific public record.

Sec. 4. (1) An individual elected or appointed to a board or governing body of a city, village, township or county shall not have an ownership interest in, or accept compensation from, a person who sells information that is obtained from a public record of that city, village, township, or county.

(2) This section does not apply to compensation accepted from a public body.

Sec. 5. Three years after the effective date of this act, a bipartisan joint committee of 3 members of each house of the legislature shall review the operations of this act and recommend appropriate changes. The members of the house of representatives shall be appointed by the speaker of the house of representatives. The members of the senate shall be appointed by the majority leader of the senate.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.

