



# SENATE BILL No. 1093

July 3, 1996, Introduced by Senator A. SMITH and referred to the Committee on Government Operations.

A bill to amend section 4 of Act No. 380 of the Public Acts of 1965, entitled "Executive organization act of 1965," being section 16.104 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 4 of Act No. 380 of the Public Acts of  
2 1965, being section 16.104 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 4. (1) Except as otherwise provided by this act ~~or~~ or  
5 the state constitution, all executive and administrative powers,  
6 duties, and functions, excepting those of the legislature and the  
7 judiciary, previously vested by law in the several state depart-  
8 ments, commissions, boards, officers, bureaus, divisions, or  
9 other agencies are vested in the following principal

10 departments:

- 1 (A) ~~(1)~~ Department of State.
- 2 (B) ~~(2)~~ Department of Attorney General.
- 3 (C) ~~(3)~~ Department of Treasury.
- 4 (D) ~~(4)~~ Department of Management and Budget.
- 5 (E) ~~(5)~~ Department of State Police.
- 6 (F) ~~(6)~~ Department of Military Affairs.
- 7 (G) ~~(7)~~ Department of Agriculture.
- 8 (H) ~~(8)~~ Department of Civil Service.
- 9 (I) ~~(9)~~ Department of Commerce.
- 10 (J) ~~(10)~~ Department of Natural Resources.
- 11 (K) ~~(11)~~ Department of Corrections.
- 12 (L) ~~(12)~~ Department of Education.
- 13 (M) ~~(13) Department of Licensing and Regulation~~ STATE
- 14 TRANSPORTATION DEPARTMENT.
- 15 ~~(14) If section 28 of article 5 of the state constitution~~
- 16 ~~of 1963 is amended to provide for changing the name of the state~~
- 17 ~~highway department to the department of transportation. However,~~
- 18 ~~until section 28 of article 5 is amended in the manner described~~
- 19 ~~in this section, the name of the department shall be the~~
- 20 ~~Department of State Highways and Transportation.~~
- 21 (N) ~~(15)~~ Department of Labor.
- 22 (O) ~~(16)~~ Department of Mental Health.
- 23 (P) ~~(17)~~ Department of Public Health.
- 24 (Q) ~~(18)~~ Department of Social Services.
- 25 (R) ~~(19)~~ Department of Civil Rights.
- 26 (S) DEPARTMENT OF MICHIGAN JOBS COMMISSION.

1 (2) A PERSON WHO PREPARES A DOCUMENT, REPORT, OR PUBLIC  
2 RECORD THAT IS PAID FOR WITH FUNDS APPROPRIATED BY THE  
3 LEGISLATURE TO A DEPARTMENT DESCRIBED IN THIS SECTION SHALL PRO-  
4 VIDE THAT DEPARTMENT WITH AT LEAST 1 COPY OF THE DOCUMENT,  
5 REPORT, OR PUBLIC RECORD.

6 (3) IF A DEPARTMENT DESCRIBED IN THIS SECTION POSSESSES A  
7 DOCUMENT, REPORT, OR PUBLIC RECORD THAT WAS PAID FOR WITH FUNDS  
8 APPROPRIATED BY THE LEGISLATURE TO THAT DEPARTMENT, THE DEPART-  
9 MENT SHALL RETAIN AT LEAST 1 COPY OF THE DOCUMENT, REPORT, OR  
10 PUBLIC RECORD BEFORE TRANSFERRING IT TO A PERSON EXEMPT FROM THE  
11 FREEDOM OF INFORMATION ACT. A COPY MAY BE REPRODUCED AND MAIN-  
12 TAINED IN ACCORDANCE WITH THE RECORDS MEDIA ACT, ACT NO. 116 OF  
13 THE PUBLIC ACTS OF 1992, BEING SECTIONS 24.401 TO 24.403 OF THE  
14 MICHIGAN COMPILED LAWS.

15 (4) A DEPARTMENT THAT POSSESSES A COPY OF A DOCUMENT,  
16 REPORT, OR PUBLIC RECORD PURSUANT TO SUBSECTION (2) OR (3) SHALL  
17 MAINTAIN AND IF APPLICABLE DISPOSE OF THAT DOCUMENT, REPORT, OR  
18 PUBLIC RECORD IN ACCORDANCE WITH THE MANAGEMENT AND BUDGET ACT,  
19 ACT NO. 431 OF THE PUBLIC ACTS OF 1984, BEING SECTIONS 18.1101 TO  
20 18.1594 OF THE MICHIGAN COMPILED LAWS.

21 (5) A DOCUMENT, REPORT, OR PUBLIC RECORD DESCRIBED IN THIS  
22 SECTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT.

23 (6) AS USED IN THIS SECTION:

24 (A) "DEPARTMENT DESCRIBED IN THIS SECTION" INCLUDES THE  
25 DIRECTOR OR CHIEF EXECUTIVE OFFICER OF A DEPARTMENT IDENTIFIED IN  
26 SUBSECTION (1), OR ANY COMMISSION, AGENCY, OR OTHER BODY  
27 ESTABLISHED WITHIN THAT DEPARTMENT.

1           (B) "FREEDOM OF INFORMATION ACT" MEANS ACT NO. 442 OF THE  
2 PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE  
3 MICHIGAN COMPILED LAWS.

4           (C) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE  
5 FREEDOM OF INFORMATION ACT, BEING SECTION 15.232 OF THE MICHIGAN  
6 COMPILED LAWS, AND ADDITIONALLY INCLUDES THE GOVERNOR, THE EXECU-  
7 TIVE OFFICE OF THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE EXECU-  
8 TIVE OFFICE OF THE LIEUTENANT GOVERNOR, AND THE EMPLOYEES AND  
9 AGENTS OF EACH INDIVIDUAL OR OFFICE DESCRIBED IN THIS  
10 SUBDIVISION.

11           (D) "PUBLIC RECORD" MEANS THAT TERM AS DEFINED IN SECTION 2  
12 OF THE FREEDOM OF INFORMATION ACT.