SUBSTITUTE FOR SENATE BILL NO. 340

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act,"

(MCL 125.2001 to 125.2094) by adding sections 79e, 79f, and 79g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 79E. (1) ALL DEPARTMENTS, AGENCIES, BOARDS, COMMITTEES,
- 2 COMMISSIONS, OR OFFICERS OF THIS STATE OR ANY POLITICAL SUBDIVISION
- 3 OF THIS STATE, SO FAR AS IS COMPATIBLE WITH THEIR DUTIES, SHALL
- 4 GIVE THE OFFICE ANY ASSISTANCE REQUESTED BY THE OFFICE IN THE
- 5 PERFORMANCE OF THE OFFICE'S DUTIES. ALL DEPARTMENTS, AGENCIES,
- 6 BOARDS, COMMITTEES, COMMISSIONS, OR OFFICERS OF THIS STATE OR ANY
- 7 POLITICAL SUBDIVISION OF THIS STATE SHALL PROVIDE THE OFFICE FREE
- 8 ACCESS TO AGENCY PERSONNEL AND ANY BOOK, RECORD, OR DOCUMENT IN

- 1 THEIR CUSTODY, RELATING TO INVESTIGATION OF A COMPLAINT BY THE
- 2 OFFICE, OTHER THAN INFORMATION DESCRIBED IN SECTION 13 OF THE
- 3 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.243.
- 4 (2) A PERSON SHALL NOT INTERFERE WITH, PREVENT, OR PROHIBIT
- 5 THE OMBUDSMAN FROM CARRYING OUT HIS OR HER POWERS OR DUTIES UNDER
- 6 THIS CHAPTER.
- 7 (3) A STATE DEPARTMENT OR AGENCY SHALL NOT DISCRIMINATE
- 8 AGAINST A PERSON BECAUSE A COMPLAINT AGAINST THE DEPARTMENT OR
- 9 AGENCY HAS BEEN OR MAY BE FILED WITH THE OFFICE BY OR ON BEHALF OF
- 10 THE PERSON.
- 11 (4) THE OFFICE MAY BRING AN ACTION IN THE CIRCUIT COURT FOR
- 12 INGHAM COUNTY TO ENFORCE THIS CHAPTER AS IT RELATES TO THE OFFICE.
- 13 SEC. 79F. (1) IF, AFTER INVESTIGATION, THE OMBUDSMAN IS OF THE
- 14 OPINION THAT A DEPARTMENT OR AGENCY SHOULD CONSIDER THE MATTER
- 15 FURTHER; ALTER A REGULATION, PRACTICE, OR RULING; EXPLAIN MORE
- 16 FULLY THE ACTION IN QUESTION; RECTIFY AN OMISSION; OR TAKE ANY
- 17 OTHER ACTION, THE OMBUDSMAN SHALL STATE ANY CONCLUSIONS,
- 18 RECOMMENDATIONS, AND REASONS FOR THOSE CONCLUSIONS OR
- 19 RECOMMENDATIONS TO THE DEPARTMENT OR AGENCY INVOLVED. AT THE
- 20 OMBUDSMAN'S REQUEST, THE DEPARTMENT OR AGENCY SHALL, WITHIN THE
- 21 TIME SPECIFIED, INFORM THE OMBUDSMAN ABOUT THE ACTION TAKEN ON
- 22 RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THEM.
- 23 (2) AFTER A REASONABLE PERIOD OF TIME HAS ELAPSED, THE
- 24 OMBUDSMAN MAY ISSUE HIS OR HER CONCLUSIONS OR RECOMMENDATIONS TO
- 25 THE LEGISLATURE, THE GOVERNOR, A GRAND JURY, THE PUBLIC, OR ANY
- 26 OTHER APPROPRIATE AUTHORITY. THE OMBUDSMAN SHALL INCLUDE ANY BRIEF
- 27 STATEMENT THE AGENCY MAY PROVIDE IN RESPONSE TO THE INVESTIGATION.

Senate Bill No. 340 as amended September 10, 2009

- 1 (3) IF THE OMBUDSMAN BELIEVES THAT AN ACTION BY THE DEPARTMENT
- 2 OR AGENCY HAS BEEN DICTATED BY LAWS WHOSE RESULTS ARE UNFAIR OR
- 3 OTHERWISE OBJECTIONABLE, AND COULD BE REVISED BY LEGISLATIVE
- ACTION, THE OMBUDSMAN SHALL NOTIFY THE SECRETARY OF THE SENATE AND
- THE CLERK OF THE HOUSE OF REPRESENTATIVES AND THE AGENCY OF 5
- DESIRABLE STATUTORY CHANGE. 6
- 7 (4) IF THE OMBUDSMAN BELIEVES THAT ANY AGENCY OFFICIAL OR
- EMPLOYEE HAS ACTED IN A MANNER WARRANTING CRIMINAL OR DISCIPLINARY 8
- 9 PROCEEDINGS, THE OMBUDSMAN SHALL REFER THE MATTER TO THE
- 10 APPROPRIATE AUTHORITIES <<
- 11 SEC. 79G. INFORMATION OBTAINED BY THE OFFICE FROM BUSINESSES
- THAT UTILIZE ITS SERVICES SHALL BE HELD IN CONFIDENCE BY THOSE 12
- 13 EMPLOYED BY THE OFFICE TO THE EXTENT AUTHORIZED UNDER THE FREEDOM
- OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, INCLUDING, 14
- BUT NOT LIMITED TO, THOSE PROVISIONS PERTAINING TO EXEMPTIONS FROM 15
- 16 DISCLOSURE FOR TRADE SECRETS AND COMMERCIAL AND FINANCIAL
- 17 INFORMATION.
- 18 Enacting section 1. This amendatory act does not take effect
- 19 unless Senate Bill No. 2 of the 95th Legislature is enacted into
- 20 law.