HOUSE BILL No. 6448

September 15, 2010, Introduced by Rep. LeBlanc and referred to the Committee on
   Government Operations.

       A bill to amend 1976 PA 442, entitled

"Freedom of information act,"

by amending sections 3 and 6 (MCL 15.233 and 15.236), as amended by

1996 PA 553.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 3. (1) Except as expressly provided in section 13, upon

2   providing a public body's FOIA coordinator with a written request

3   that describes a public record sufficiently to enable the public

4   body to find the public record, a person has a right to inspect,

5   copy, or receive copies of the requested public record of the

6   public body. A person has a right to subscribe to future issuances

7   of public records that are created, issued, or disseminated on a

8   regular basis. A subscription shall be valid for up to 6 months, at

9   the request of the subscriber, and shall be renewable. An employee

1 of a public body who receives a request for a public record shall

2 promptly forward that request to the freedom of information act

3 coordinator.

4   (2) A freedom of information act coordinator shall keep a copy

5 of all written requests for public records on file for no less than

6 1 year.

7   (3) A public body shall furnish a requesting person a

8 reasonable opportunity for inspection and examination of its public

9 records, and shall furnish reasonable facilities for making

10 memoranda or abstracts from its public records during the usual

11 business hours. A public body may make reasonable rules necessary

12 to protect its public records and to prevent excessive and

13 unreasonable interference with the discharge of its functions. A

14 public body shall protect public records from loss, unauthorized

15 alteration, mutilation, or destruction.

16   (4) This act does not require a public body to make a

17 compilation, summary, or report of information, except as required

18 in ~~section~~ **SECTIONS 6 AND** 11.

19   (5) This act does not require a public body to create a new

20 public record, except as required in section 11, and to the extent

21 required by this act for the furnishing of copies, or edited copies

22 pursuant to section 14(1), of an already existing public record.

23   (6) The custodian of a public record shall, upon written

24 request, furnish a requesting person a certified copy of a public

25 record.

26   Sec. 6. (1) A public body that is a city, village, township,

27 county, or state department, or under the control of a city,

1 village, township, county, or state department, shall designate an

2 individual as the public body's FOIA coordinator. The FOIA

3 coordinator shall be responsible for accepting and processing

4 requests for the public body's public records under this act and

5 shall be responsible for approving a denial under section 5(4) and

6 (5). In a county not having an executive form of government, the

7 chairperson of the county board of commissioners is designated the

8 FOIA coordinator for that county.

9   (2) For all other public bodies, the chief administrative

10 officer of the respective public body is designated the public

11 body's FOIA coordinator.

12   (3) An FOIA coordinator may designate another individual to

13 act on his or her behalf in accepting and processing requests for

14 the public body's public records, and in approving a denial under

15 section 5(4) and (5).

16   **(4) THE FOIA COORDINATOR OF A STATE DEPARTMENT OR AGENCY SHALL**

17 **REPORT ANNUALLY TO THE GOVERNOR ALL OF THE FOLLOWING REGARDING**

18 **REQUESTS FOR PUBLIC RECORDS UNDER THIS ACT:**

19   **(A) THE NUMBER OF REQUESTS RECEIVED BY THE AGENCY.**

20   **(B) THE NUMBER OF WRITTEN NOTICES ISSUED BY THE AGENCY DENYING**

21 **A REQUEST AND THE REASON FOR EACH DENIAL.**

22   **(C) THE AVERAGE NUMBER OF DAYS REQUIRED TO RESPOND TO A**

23 **REQUEST FOR EACH OF THE FOLLOWING RESPONSE CATEGORIES:**

24   **(*i*) DENIAL OF A REQUEST.**

25   **(*ii*) GRANTING A REQUEST.**

26   **(*iii*) GRANTING A REQUEST IN PART AND DENYING A REQUEST IN PART.**