

HOUSE BILL No. 5474

March 16, 2016, Introduced by Reps. Rutledge, McBroom, Moss, Chatfield, Webber, Kivela, Runestad, Dianda, Plawecki, Lane, Hoadley, Pagan, Irwin, Chang, Barrett, Somerville, LaVoy, Guerra, Darany, Hughes, Brinks, Howrylak, LaGrand, Bizon, Glenn, Cox, Sarah Roberts, Hovey-Wright, Wittenberg, Driskell, Townsend, Price, Tedder, Lyons, Hooker, Howell, Phelps and Lucido and referred to the Committee on Oversight and Ethics.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
(MCL 15.231 to 15.246) by adding sections 59e and 59f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 59E. (1) IF A PUBLIC RECORD CONTAINS MATERIAL THAT IS NOT
2 EXEMPT UNDER SECTION 59D, AS WELL AS MATERIAL THAT IS EXEMPT FROM
3 DISCLOSURE UNDER SECTION 59D, THE PUBLIC BODY SHALL SEPARATE THE
4 EXEMPT AND NONEXEMPT MATERIAL AND MAKE THE NONEXEMPT MATERIAL
5 AVAILABLE FOR EXAMINATION AND COPYING.

6 (2) WHEN DESIGNING A PUBLIC RECORD, A PUBLIC BODY SHALL, TO
7 THE EXTENT PRACTICABLE, FACILITATE A SEPARATION OF EXEMPT FROM
8 NONEXEMPT INFORMATION. IF THE SEPARATION IS READILY APPARENT TO A
9 PERSON REQUESTING TO INSPECT OR RECEIVE COPIES OF THE FORM, THE
10 PUBLIC BODY SHALL GENERALLY DESCRIBE THE MATERIAL EXEMPTED UNLESS

1 THAT DESCRIPTION WOULD REVEAL THE CONTENTS OF THE EXEMPT
2 INFORMATION AND THUS DEFEAT THE PURPOSE OF THE EXEMPTION.

3 SEC. 59F. THE ATTORNEY GENERAL SHALL COUNSEL AND ADVISE A
4 PUBLIC BODY ON THE ADMINISTRATION OF THIS PART UPON REQUEST.

5 Enacting section 1. This amendatory act takes effect January
6 1, 2017.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 5469 (request no.
9 05429'16) of the 98th Legislature is enacted into law.