



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4468 (as passed by the House)
Sponsor: Representative Steven Johnson
House Committee: Oversight
Ways and Means
Senate Committee: Oversight

Date Completed: 10-14-19

CONTENT

The bill would amend the Freedom of Information Act (FOIA) to allow a person making a request for a public record to stipulate that a public body's response be electronically mailed, if the public body had the technological capability to do so, or delivered by facsimile or first-class mail.

Under FOIA, except as otherwise provided, a person wishing to inspect or receive a copy of a public record must make a written request for the record to the FOIA coordinator of a public body. A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until one business day after the electronic transmission is made. However, if a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until one day after the public body first becomes aware of the request.

Unless otherwise agreed in writing by the person making the request, a public body must respond to a request for a public record within five business days after it receives the request by doing one of the following:

- Granting the request.
- Issuing a written notice to the requesting person denying the request.
- Granting the request in part and issuing a written notice to the request person denying the request in part.
- Issuing a notice extending for not more than 10 business days the period during the public body must respond to the request.

The bill would allow a person making a request for a public record to stipulate that the public body's response be electronically mailed, delivered by facsimile, or delivered by first-class mail. This provision would not apply if the public body lacked the technological capability to provide an electronically mailed response.

MCL 15.235

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have an indeterminate, but small, fiscal impact on the State and local governments. First-class mail generally is costlier than fax or email, so whether the provisions of the bill would increase or decrease costs would depend if requestors chose to receive

responses in a different format than the office otherwise would have sent, and whether that format was more or less expensive. Any difference in cost likely would be minimal.

Fiscal Analyst: Ryan Bergan
Joe Carrasco

SAS\S1920\s4468sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.