

HOUSE BILL NO. 4731

April 29, 2021, Introduced by Reps. Manoogian, Cherry and Marino and referred to the Committee on Commerce and Tourism.

A bill to amend 1996 PA 462, entitled
"Enhanced access to public records act,"
by amending section 3 (MCL 15.443), as amended by 1998 PA 550.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) In accordance with this act, a public body may do
- 2 all of the following:
- 3 (a) Upon authorization of the governing body of the public
- 4 body, provide enhanced access for the inspection, copying, or
- 5 purchasing of a public record that is not confidential or otherwise

1 exempt by law from disclosure.

2 (b) Subject to subsections (2) and (3), charge a reasonable
3 fee established by the public body's governing body for providing
4 enhanced access.

5 (c) Charge a reasonable fee established by the public body's
6 governing body for providing access to either of the following:

7 (i) A geographical information system.

8 (ii) The output from a geographical information system.

9 (d) Provide another public body with access to or output from
10 its geographical information system for the official use of that
11 other public body, without charging a fee to that other public
12 body, if the access to or output from the system is provided in
13 accordance with a written intergovernmental agreement that contains
14 all of the following:

15 (i) A statement specifying that the public body receiving
16 access to or output from the system without charge is prohibited
17 from providing access to the system's output to a third party
18 unless that public body does both of the following:

19 (A) Collects from the third party a fee described in
20 subsection (2), or waives that fee in accordance with the written
21 terms of the intergovernmental agreement.

22 (B) Conveys to the providing public body that portion of any
23 fee collected under subsection (2) that is directly attributable to
24 the operating expenses of the providing public body in furnishing
25 the output from the system to the third party.

26 (ii) A statement specifying the public purpose for which access
27 to or output from the system is being provided.

28 (iii) A statement specifying the portion of any fee collected
29 under subsection (2) and collected from a third party that the

1 receiving public body shall convey to the providing public body.

2 (2) A public body that receives access to or output from a
3 system under an intergovernmental agreement described in subsection
4 (1) may collect from a third party to whom it provides access to
5 the output from the system under this act a reasonable fee that
6 includes both of the following:

7 (a) An amount that enables the public body providing access to
8 or output from its system to recover over time its operating
9 expenses directly related to providing access to output from its
10 system to a third party.

11 (b) An amount that enables the receiving public body to
12 recover over time its operating expenses directly related to
13 providing to a third party access to or output from its system.

14 (3) The language of this act relating to the sharing of access
15 to or output from systems among public bodies ~~shall~~**must** be
16 liberally construed to facilitate the sharing of access to and
17 output from systems without financial detriment to the public
18 bodies.

19 (4) Access to or output from a geographical information system
20 ~~shall~~**must** be made available only in accordance with subsections
21 (1), (2), and (3). Except as otherwise provided in subsections (1),
22 (2), and (3), this act does not limit the inspection and copying of
23 a public record ~~pursuant to~~**under** the freedom of information act,
24 1976 PA 442, MCL 15.231 to 15.246. This section does not apply to
25 public records prepared under an act or statute specifically
26 authorizing the sale of those public records to the public, or
27 where the amount of the fee for providing a copy of the public
28 record is otherwise specifically provided by an act or statute.

29 (5) Before providing enhanced access to a member of the

1 general public, a public body that elects to provide enhanced
 2 access shall adopt an enhanced access policy that complies with
 3 this act.

4 (6) This act does not ~~require~~**do any of the following:**

5 **(a) Require** a public body to provide enhanced access to a
 6 specific public record if that public body has not established an
 7 enhanced access policy in accordance with subsection (5) with
 8 respect to that specific public record.

9 **(b) Apply to a request for enhanced access to a property**
 10 **assessment roll prepared by a supervisor or other assessing officer**
 11 **pursuant to the general property tax act, 1893 PA 206, MCL 211.1 to**
 12 **211.155.**

13 **(c) Apply to a request for enhanced access to a property**
 14 **appraisal card, excluding maps and imagery of the property included**
 15 **in the property appraisal card, prepared pursuant to the general**
 16 **property tax act, 1893 PA 206, MCL 211.1 to 211.155.**

17 Enacting section 1. This amendatory act does not take effect
 18 unless all of the following bills of the 101st Legislature are
 19 enacted into law:

20 (a) Senate Bill No.____ or House Bill No. 4732 (request no.
 21 01329'21).

22 (b) Senate Bill No.____ or House Bill No. 4729 (request no.
 23 01330'21).

24 (c) Senate Bill No.____ or House Bill No. 4730 (request no.
 25 01331'21).