

HOUSE BILL No. 4814

May 14, 1991, Introduced by Reps. Hoffman, Bartnik and Nye and referred to the Committee on Corrections.

A bill to amend sections 1 and 2 of Act No. 442 of the Public Acts of 1976, entitled "Freedom of information act," being sections 15.231 and 15.232 of the Michigan Compiled Laws; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 2 of Act No. 442 of the Public
2 Acts of 1976, being sections 15.231 and 15.232 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 1. (1) This act shall be known and may be cited as
5 the "freedom of information act".

6 (2) It is the public policy of this state that all persons,
7 EXCEPT THOSE PERSONS INCARCERATED IN STATE OR LOCAL CORRECTIONAL
8 FACILITIES, are entitled to full and complete information
9 regarding the affairs of government and the official acts of

1 those who represent them as public officials and public
2 employees, consistent with this act. The people shall be
3 informed so that they may fully participate in the democratic
4 process.

5 Sec. 2. As used in this act:

6 (a) "Person" means an individual, corporation, partnership,
7 firm, organization, or association, EXCEPT THAT PERSON DOES NOT
8 INCLUDE AN INDIVIDUAL SERVING A SENTENCE OF IMPRISONMENT IN A
9 STATE OR COUNTY CORRECTIONAL FACILITY IN THIS STATE, A FEDERAL
10 CORRECTIONAL FACILITY, OR IN A STATE OR COUNTY CORRECTIONAL
11 FACILITY IN ANOTHER STATE.

12 (b) "Public body" means:

13 (i) A state officer, employee, agency, department, division,
14 bureau, board, commission, council, authority, or other body in
15 the executive branch of the state government, but does not
16 include the governor or lieutenant governor, the executive office
17 of the governor or lieutenant governor, or employees thereof.

18 (ii) An agency, board, commission, or council in the legis-
19 lative branch of the state government.

20 (iii) A county, city, township, village, intercounty, inter-
21 city, or regional governing body, council, school district, spe-
22 cial district, or municipal corporation, or a board, department,
23 commission, council, or agency thereof.

24 (iv) Any other body which is created by state or local
25 authority or which is primarily funded by or through state or
26 local authority.

1 (v) The judiciary, including the office of the county clerk
2 and employees thereof when acting in the capacity of clerk to the
3 circuit court, is not included in the definition of public body.

4 (c) "Public record" means a writing prepared, owned, used,
5 in the possession of, or retained by a public body in the per-
6 formance of an official function, from the time it is created.
7 This act separates public records into 2 classes: (i) those
8 which are exempt from disclosure under section 13, and (ii) all
9 others, which ~~shall be~~ ARE subject to disclosure under this
10 act.

11 (d) "Unusual circumstances" means any 1 or a combination of
12 the following, but only to the extent necessary for the proper
13 processing of a request:

14 (i) The need to search for, collect, or appropriately
15 examine or review a voluminous amount of separate and distinct
16 public records pursuant to a single request.

17 (ii) The need to collect the requested public records from
18 numerous field offices, facilities, or other establishments which
19 are located apart from the particular office receiving or pro-
20 cessing the request.

21 (e) "Writing" means handwriting, typewriting, printing, pho-
22 tostating, photographing, photocopying, and every other means of
23 recording, and includes letters, words, pictures, sounds, or sym-
24 bols, or combinations thereof, and papers, maps, magnetic or
25 paper tapes, photographic films or prints, microfilm, microfiche,
26 magnetic or punched cards, discs, drums, or other means of
27 recording or retaining meaningful content.

1 Section 2. Section 30 of Act No. 232 of the Public Acts of
2 1953, being section 791.230 of the Michigan Compiled Laws, is
3 repealed.