

HOUSE BILL No. 5808

September 16, 2014, Introduced by Rep. McMillin and referred to the Committee on Oversight.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
by amending section 2 (MCL 15.232), as amended by 1996 PA 553.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Field name" means the label or identification of an
3 element of a computer data base that contains a specific item of
4 information, and includes but is not limited to a subject heading
5 such as a column header, data dictionary, or record layout.

6 (b) "FOIA coordinator" means either of the following:

7 (i) An individual who is a public body.

8 (ii) An individual designated by a public body in accordance
9 with section 6 to accept and process requests for public records

1 under this act.

2 (c) "Person" means an individual, corporation, limited
3 liability company, partnership, firm, organization, association,
4 governmental entity, or other legal entity. Person does not include
5 an individual serving a sentence of imprisonment in a state or
6 county correctional facility in this state or any other state, or
7 in a federal correctional facility.

8 (d) "Public body" means any of the following:

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

14 (ii) An agency, board, commission, or council in the
15 legislative branch of the state government.

16 (iii) A county, city, township, village, intercounty, intercity,
17 or regional governing body, council, school district, special
18 district, or municipal corporation, or a board, department,
19 commission, council, or agency thereof.

20 (iv) Any other body which is created by state or local
21 authority or which is primarily funded by or through state or local
22 authority, **INCLUDING AN ORGANIZATION UNDER THE SUPERVISION OF, AND**
23 **CREATED FOR ECONOMIC DEVELOPMENT PURPOSES BY, A LOCAL GOVERNMENTAL**
24 **UNIT, SUCH AS AN ECONOMIC DEVELOPMENT CORPORATION CREATED UNDER THE**
25 **ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO**
26 **125.1636.**

27 (v) The judiciary, including the office of the county clerk

1 and employees thereof when acting in the capacity of clerk to the
2 circuit court, is not included in the definition of public body.

3 (e) "Public record" means a writing prepared, owned, used, in
4 the possession of, or retained by a public body in the performance
5 of an official function, from the time it is created. Public record
6 does not include computer software. This act separates public
7 records into the following 2 classes:

8 (i) Those that are exempt from disclosure under section 13.

9 (ii) All public records that are not exempt from disclosure
10 under section 13 and which are subject to disclosure under this
11 act.

12 (f) "Software" means a set of statements or instructions that
13 when incorporated in a machine usable medium is capable of causing
14 a machine or device having information processing capabilities to
15 indicate, perform, or achieve a particular function, task, or
16 result. Software does not include computer-stored information or
17 data, or a field name if disclosure of that field name does not
18 violate a software license.

19 (g) "Unusual circumstances" means any 1 or a combination of
20 the following, but only to the extent necessary for the proper
21 processing of a request:

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

25 (ii) The need to collect the requested public records from
26 numerous field offices, facilities, or other establishments which
27 are located apart from the particular office receiving or

1 processing the request.

2 (h) "Writing" means handwriting, typewriting, printing,
3 photostating, photographing, photocopying, and every other means of
4 recording, and includes letters, words, pictures, sounds, or
5 symbols, or combinations thereof, and papers, maps, magnetic or
6 paper tapes, photographic films or prints, microfilm, microfiche,
7 magnetic or punched cards, discs, drums, or other means of
8 recording or retaining meaningful content.

9 (i) "Written request" means a writing that asks for
10 information, and includes a writing transmitted by facsimile,
11 electronic mail, or other electronic means.