

**SUBSTITUTE FOR
HOUSE BILL NO. 4009**

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
(MCL 15.231 to 15.246) by adding sections 29e and 29f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 29E. (1) IF A PUBLIC RECORD CONTAINS MATERIAL THAT IS NOT**
2 **EXEMPT UNDER SECTION 29D, AS WELL AS MATERIAL THAT IS EXEMPT FROM**
3 **DISCLOSURE UNDER SECTION 29D, 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. 29F. 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, 2020.

7 Enacting section 2. This amendatory act does not take effect
8 unless House Bill No. 4011 of the 100th Legislature is enacted into
9 law.