

SENATE BILL No. 451

May 3, 2005, Introduced by Senators JACOBS, BRATER, SCHAUER and LELAND and referred to the Committee on Education.

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
10 under this act.

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

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

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

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

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

19 (iv) Any other body which is created by state or local
20 authority or which is primarily funded by or through state or local
21 authority.

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

25 (vi) **THE MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION.**

26 (e) "Public record" means a writing prepared, owned, used, in
27 the possession of, or retained by a public body in the performance

1 of an official function, from the time it is created. Public record
2 does not include computer software. This act separates public
3 records into the following 2 classes:

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

5 (ii) All public records that are not exempt from disclosure
6 under section 13 and which are subject to disclosure under this
7 act.

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

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

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

21 (ii) The need to collect the requested public records from
22 numerous field offices, facilities, or other establishments which
23 are located apart from the particular office receiving or
24 processing the request.

25 (h) "Writing" means handwriting, typewriting, printing,
26 photostating, photographing, photocopying, and every other means of
27 recording, and includes letters, words, pictures, sounds, or

1 symbols, or combinations thereof, and papers, maps, magnetic or
2 paper tapes, photographic films or prints, microfilm, microfiche,
3 magnetic or punched cards, discs, drums, or other means of
4 recording or retaining meaningful content.

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