

HOUSE BILL No. 5166

September 5, 2007, Introduced by Reps. Wenke and Nitz and referred to the Committee on Oversight and Investigations.

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) "LEGISLATIVE FINANCIAL RECORD" MEANS A LEGISLATIVE OFFICE
2 BUDGET AND ANY OTHER EVIDENCE OF A LEGISLATIVE OFFICE EXPENDITURE
3 OR AUTHORIZATION FOR A LEGISLATIVE OFFICE EXPENDITURE OF OR BY AN
4 INDIVIDUAL DESCRIBED IN SUBDIVISION (E) (iii) .

5 (D) ~~(e)~~—"Person" means an individual, corporation, limited
6 liability company, partnership, firm, organization, association,
7 governmental entity, or other legal entity. Person does not include
8 an individual serving a sentence of imprisonment in a state or
9 county correctional facility in this state or any other state, or
10 in a federal correctional facility.

11 (E) ~~(d)~~—"Public body" means any of the following:

12 (i) A state officer, employee, agency, department, division,
13 bureau, board, commission, council, authority, or other body in the
14 executive branch of the state government, but does not include the
15 governor or lieutenant governor, the executive office of the
16 governor or lieutenant governor, or employees ~~thereof~~—OF THE
17 GOVERNOR OR LIEUTENANT GOVERNOR OR OF THE EXECUTIVE OFFICE OF THE
18 GOVERNOR OR LIEUTENANT GOVERNOR.

19 (ii) An agency, board, commission, or council in the
20 legislative branch of ~~the~~ state government.

21 (iii) FOR THE SOLE PURPOSE OF RESPONDING TO A REQUEST FOR A
22 LEGISLATIVE FINANCIAL RECORD, A STATE SENATOR OR STATE
23 REPRESENTATIVE.

24 (iv) ~~(iii)~~—A county, city, township, village, intercounty,
25 intercity, or regional governing body, council, school district,
26 special district, or municipal corporation, or a board, department,
27 commission, council, or agency ~~thereof~~—OF ANY ENTITY IDENTIFIED IN

1 **THIS SUBPARAGRAPH.**

2 (v) ~~(iv)~~—Any other body which is created by state or local
3 authority or which is primarily funded by or through state or local
4 authority.

5 (vi) ~~(v)~~—The judiciary, including the office of the county
6 clerk and employees thereof when acting in the capacity of clerk to
7 the circuit court, is not included in the definition of public
8 body.

9 (F) ~~(e)~~—"Public record" means a writing prepared, owned, used,
10 in the possession of, or retained by a public body in the
11 performance of an official function, from the time it is created.
12 Public record does not include computer software. This act
13 separates public records into the following 2 classes:

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

15 (ii) All public records that are not exempt from disclosure
16 under section 13 and which are subject to disclosure under this
17 act.

18 (G) ~~(f)~~—"Software" means a set of statements or instructions
19 that when incorporated in a machine usable medium is capable of
20 causing a machine or device having information processing
21 capabilities to indicate, perform, or achieve a particular
22 function, task, or result. Software does not include computer-
23 stored information or data, or a field name if disclosure of that
24 field name does not violate a software license.

25 (H) ~~(g)~~—"Unusual circumstances" means any 1 or a combination
26 of the following, but only to the extent necessary for the proper
27 processing of a request:

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

4 (ii) The need to collect the requested public records from
5 numerous field offices, facilities, or other establishments ~~which~~
6 **THAT** are located apart from the particular office receiving or
7 processing the request.

8 (I) ~~(h)~~—"Writing" means handwriting, typewriting, printing,
9 photostating, photographing, photocopying, and ~~every~~**ANY** other
10 means of recording, and includes letters, words, pictures, sounds,
11 or symbols, or combinations thereof, and papers, maps, magnetic or
12 paper tapes, photographic films or prints, microfilm, microfiche,
13 magnetic or punched cards, discs, drums, or other means of
14 recording or retaining meaningful content.

15 (J) ~~(i)~~—"Written request" means a writing that asks for
16 information, and includes a writing transmitted by facsimile,
17 electronic mail, or other electronic means.