

SUBSTITUTE FOR
SENATE BILL NO. 340

A bill to amend 1984 PA 270, entitled
"Michigan strategic fund act,"
(MCL 125.2001 to 125.2094) by adding sections 79e, 79f, and 79g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 79E. (1) ALL DEPARTMENTS, AGENCIES, BOARDS, COMMITTEES,
2 COMMISSIONS, OR OFFICERS OF THIS STATE OR ANY POLITICAL SUBDIVISION
3 OF THIS STATE, SO FAR AS IS COMPATIBLE WITH THEIR DUTIES, SHALL
4 GIVE THE OFFICE ANY ASSISTANCE REQUESTED BY THE OFFICE IN THE
5 PERFORMANCE OF THE OFFICE'S DUTIES. ALL DEPARTMENTS, AGENCIES,
6 BOARDS, COMMITTEES, COMMISSIONS, OR OFFICERS OF THIS STATE OR ANY
7 POLITICAL SUBDIVISION OF THIS STATE SHALL PROVIDE THE OFFICE FREE
8 ACCESS TO AGENCY PERSONNEL AND ANY BOOK, RECORD, OR DOCUMENT IN

1 THEIR CUSTODY, RELATING TO INVESTIGATION OF A COMPLAINT BY THE
2 OFFICE, OTHER THAN INFORMATION DESCRIBED IN SECTION 13 OF THE
3 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.243.

4 (2) A PERSON SHALL NOT INTERFERE WITH, PREVENT, OR PROHIBIT
5 THE OMBUDSMAN FROM CARRYING OUT HIS OR HER POWERS OR DUTIES UNDER
6 THIS CHAPTER.

7 (3) A STATE DEPARTMENT OR AGENCY SHALL NOT DISCRIMINATE
8 AGAINST A PERSON BECAUSE A COMPLAINT AGAINST THE DEPARTMENT OR
9 AGENCY HAS BEEN OR MAY BE FILED WITH THE OFFICE BY OR ON BEHALF OF
10 THE PERSON.

11 (4) THE OFFICE MAY BRING AN ACTION IN THE CIRCUIT COURT FOR
12 INGHAM COUNTY TO ENFORCE THIS CHAPTER AS IT RELATES TO THE OFFICE.

13 SEC. 79F. (1) IF, AFTER INVESTIGATION, THE OMBUDSMAN IS OF THE
14 OPINION THAT A DEPARTMENT OR AGENCY SHOULD CONSIDER THE MATTER
15 FURTHER; ALTER A REGULATION, PRACTICE, OR RULING; EXPLAIN MORE
16 FULLY THE ACTION IN QUESTION; RECTIFY AN OMISSION; OR TAKE ANY
17 OTHER ACTION, THE OMBUDSMAN SHALL STATE ANY CONCLUSIONS,
18 RECOMMENDATIONS, AND REASONS FOR THOSE CONCLUSIONS OR
19 RECOMMENDATIONS TO THE DEPARTMENT OR AGENCY INVOLVED. AT THE
20 OMBUDSMAN'S REQUEST, THE DEPARTMENT OR AGENCY SHALL, WITHIN THE
21 TIME SPECIFIED, INFORM THE OMBUDSMAN ABOUT THE ACTION TAKEN ON
22 RECOMMENDATIONS OR THE REASONS FOR NOT COMPLYING WITH THEM.

23 (2) AFTER A REASONABLE PERIOD OF TIME HAS ELAPSED, THE
24 OMBUDSMAN MAY ISSUE HIS OR HER CONCLUSIONS OR RECOMMENDATIONS TO
25 THE LEGISLATURE, THE GOVERNOR, A GRAND JURY, THE PUBLIC, OR ANY
26 OTHER APPROPRIATE AUTHORITY. THE OMBUDSMAN SHALL INCLUDE ANY BRIEF
27 STATEMENT THE AGENCY MAY PROVIDE IN RESPONSE TO THE INVESTIGATION.

