

# HOUSE BILL No. 4890

September 22, 2015, Introduced by Reps. Runestad, Goike, Santana, Chatfield, Outman, Robinson, Hooker, Dianda, Inman, Lauwers, Heise and Yanez and referred to the Committee on Government Operations.

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~~ **DATABASE** that contains a specific  
4 item of information, and includes but is not limited to a subject  
5 heading 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.

11       (c) "Person" means an individual, corporation, limited

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

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

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

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

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

18 (iv) Any other body ~~which~~**THAT** is created by state or local  
19 authority or ~~which~~ is primarily funded by or through state or local  
20 authority, -

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

25 (v) **AN ART INSTITUTE SERVICES PROVIDER THAT RECEIVES PROCEEDS**  
26 **OF A TAX LEVIED UNDER THE ART INSTITUTE AUTHORITIES ACT, 2010 PA**  
27 **296, MCL 123.1201 TO 123.1229.**

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

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

7 (ii) All public records that are not exempt from disclosure  
8 under section 13 and ~~which~~**THAT** are subject to disclosure under  
9 this act.

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

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

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

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

27 (h) "Writing" means handwriting, typewriting, printing,

1 photostating, photographing, photocopying, and every other means of  
2 recording, and includes letters, words, pictures, sounds, or  
3 symbols, or combinations thereof, and papers, maps, magnetic or  
4 paper tapes, photographic films or prints, microfilm, microfiche,  
5 magnetic or punched cards, discs, drums, or other means of  
6 recording or retaining meaningful content.

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

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.