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House Bill 6582 (Substitute H-1 as passed by the House)

Sponsor: Representative Jim Lilly

House Committee: Elections and Ethics

Senate Committee: Elections and Government Reform

Date Completed: 12-18-18

CONTENT

The bill would amend the Freedom of Information Act to do the following:

- Require a person who requested a public record to include the requesting person's name and contact information with the request.**
- Require a requesting person, if required to submit a deposit for a public record request, to submit the deposit within 45 days or the request would be considered abandoned.**

Currently, after providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable it to find the record, a person has a right to inspect, copy, or receive copies of the requested record.

Under the bill, a request from a person, other than an individual who qualified as indigent under the Act, would have to include the requesting person's complete name, address, and contact information, and, if the request were made by a person other than an individual, the complete name, address, and contact information of the person's agent who was an individual. An address would have to be written in compliance with United States Postal Service addressing standards. Contact information would have to include a valid telephone number or electronic mail address, or both.

Under the Act, a public body can charge a fee for a public record search for the necessary copying of a public record for inspection, or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines to implement the fee. In its initial or subsequent response to a request, a public body also may require a good-faith deposit from the person requesting information before providing the public records, if the entire fee estimate or charge exceeds \$50.

Also, after a public body has granted and fulfilled a written request from an individual, and if the public body has not been paid in full for the fee for the copies of the record provided to that individual as a result of the request, the public body may require a deposit of up to 100% of an estimated fee before it begins a full public record search for any subsequent request from that individual, if certain conditions apply.

Under the bill, if a deposit described above were not received by the public body within 45 days after the requesting person received of the notice that a deposit was required, and if the requesting person had not filed an appeal of the deposit amount, the request would have to be considered abandoned by the requesting person and the public body would no longer have

to fulfill it. Notice of a deposit requirement would be considered received three days after it was sent, regardless of the means of transmission. Notice of a deposit requirement would have to include notice of the date by which the deposit would have to be received, which would have to be 48 days after the notice was sent.

MCL 15.233 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.