

HOUSE BILL No. 5413

January 16, 2018, Introduced by Reps. Johnson and Iden and referred to the Committee on Oversight.

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 11 (MCL 15.241), as amended by 2014 PA 563.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) A state agency shall publish and make available
2 to the public all of the following:

3 (a) Final orders or decisions in contested cases and the
4 records on which they were made.

5 (b) Promulgated rules.

6 (c) Other written statements that implement or interpret laws,
7 rules, or policy, including but not limited to guidelines, manuals,
8 and forms with instructions, adopted or used by the agency in the
9 discharge of its functions.

1 (2) Publications may be **IN ELECTRONIC FORMAT OR** in pamphlet,
2 loose-leaf, or other appropriate form in printed, mimeographed, or
3 other written matter.

4 (3) Except to the extent that a person has actual and timely
5 notice of the terms thereof, a person is not required to resort to,
6 and shall not be adversely affected by, a matter required to be
7 published and made available, if the matter is not so published and
8 made available.

9 (4) This section does not apply to public records that are
10 exempt from disclosure under section 13.

11 (5) A person may commence an action in the court of claims to
12 compel a state agency to comply with this section. If the court
13 determines that the state agency has failed to comply, the court
14 shall order the state agency to comply and shall award reasonable
15 attorneys' fees, costs, and disbursements to the person commencing
16 the action. The court of claims has exclusive jurisdiction to issue
17 the order.

18 (6) As used in this section, "state agency", "contested case",
19 and "rule" mean "agency", "contested case", and "rule" as those
20 terms are defined in the administrative procedures act of 1969,
21 1969 PA 306, MCL 24.201 to 24.328.