SENATE BILL NO. 1180

September 22, 2026, Introduced by Senator VICTORY and referred to Committee on Regulatory Affairs.

A bill to amend 1976 PA 442, entitled

"Freedom of information act,"

by amending sections 3 and 4 (MCL 15.233 and 15.234), section 3 as amended by 2018 PA 523 and section 4 as amended by 2020 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. (1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the

public body. A request from a person, other than an individual who qualifies as indigent under section ~~4(2)(a),~~ **4(3)(a),** must include the ~~requesting person's~~ **requestor's** complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or ~~electronic mail~~ **email** address. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription is valid for up to 6 months, at the request of the subscriber, and is renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the ~~freedom of information act~~ **FOIA** coordinator.

(2) A ~~freedom of information act~~ **FOIA** coordinator shall keep a copy of all written requests for public records on file for ~~no~~ **not** less than 1 year.

(3) A public body shall furnish a ~~requesting person~~ **requestor** a reasonable opportunity for inspection and examination of ~~its~~ **the public body's** public records, and shall furnish reasonable facilities for making memoranda or abstracts from ~~its~~ **the public body's** public records during the usual business hours. A public body may make reasonable rules necessary to protect ~~its~~ **the public body's** public records and to prevent excessive and unreasonable interference with the discharge of ~~its~~ **the public body's** functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

(4) This act does not require a public body to make a

compilation, summary, or report of information, except as required ~~in~~ **under** section 11.

(5) This act does not require a public body to create a new public record, except as required ~~in~~ **under** section 11, and to the extent required by this act for the furnishing of copies, or edited copies ~~pursuant to~~ **under** section 14(1), of an already existing public record.

(6) The custodian of a public record shall, upon written request, furnish a ~~requesting person~~ **requestor** a certified copy of a public record.

Sec. 4. (1) A public body may 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~~ **the public body** has established, makes publicly available, and follows procedures and guidelines to implement this section as described in subsection ~~(4).~~ **(5)**. Subject to subsections (2), (3), (4), (5), ~~and (9),~~ **(6), and (10),** the fee must be limited to actual mailing costs ~~,~~ and to the actual incremental cost of duplication or publication. ~~including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14.~~ Except as otherwise provided in this act, if the public body estimates or charges a fee in accordance with this act, the total fee must not exceed the sum of the following components:

~~(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and~~

~~examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.~~

~~(b) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, the public body shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that person is available or who actually performs the labor. If a public body does not employ a person capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges under this subdivision if it clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (4). Total labor costs calculated under this subdivision for contracted labor costs must not exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments~~

~~rounded down. A public body shall not charge for labor directly associated with redaction under section 14 if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession.~~

(a) ~~(c)~~ For public records provided to the requestor on ~~any~~ **a** form of nonpaper physical media, the actual and most reasonably economical cost of the nonpaper physical media. The requestor may stipulate that the public records be provided on nonpaper physical media, ~~electronically mailed,~~ **emailed**, or otherwise electronically provided to ~~him or her~~ **the requestor** in lieu of paper copies. This subdivision does not apply if a public body lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated in the particular instance.

(b) ~~(d)~~ For paper copies of public records provided to the requestor, the actual total incremental cost of necessary duplication or publication, not including labor. The cost of paper copies ~~shall~~ **must** be calculated as a total cost per sheet of paper and ~~shall~~ **must** be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided. The fee **charged under this subdivision** must not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A public body shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

~~(e) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor~~

~~on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments shall be rounded down.~~

(c) ~~(f)~~ The actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. The public body shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records. **The public body shall allow the requestor to pick up the public records in person. If the requestor elects to pick up the public records in person, the public body shall not charge a fee under this subdivision.**

(2) A public body may include labor costs in the fee described in subsection (1) if a request requires an employee of the public body to work overtime to respond to the request in a timely manner as described in section 5(2) and the overtime is specifically stipulated by the requestor. If the public body estimates or charges a fee in accordance with this subsection, the total fee must not exceed the sum of the following labor costs incurred during overtime work:

(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written

request. The public body shall not charge more than the hourly overtime wage of the public body's lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that employee is available or who actually performs the labor. Labor costs under this subdivision must be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

(b) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, the public body shall not charge more than the hourly overtime wage of the public body's lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that employee is available or who actually performs the labor. If a public body does not employ an individual capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, the public body may treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges under this subdivision if the public body clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (5). Total labor costs calculated under this subdivision for contracted labor costs must not exceed an amount equal to 6 times the state minimum hourly wage rate determined

under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934. Labor costs under this subdivision must be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. A public body shall not charge for labor directly associated with redaction under section 14 if the public body knows or has reason to know that the public body previously redacted the public record in question and the redacted version is still in the public body's possession.

(c) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly overtime wage of the public body's lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that employee is available or who actually performs the labor. Labor costs under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments must be rounded down.

(3) ~~(2)~~ When calculating labor costs under subsection ~~(1)(a), (b), or (c),~~ **(2),** fee components ~~shall~~ **must** be itemized in a manner that expresses both the hourly **overtime** wage and the number of hours charged. The public body may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if ~~it~~ **the public body** clearly notes the percentage multiplier used to account for benefits in the detailed itemization described in subsection ~~(4).~~ **(5).** Subject to the 50% limitation, the public body shall not charge more than the actual

cost of fringe benefits, and overtime wages ~~shall~~ **must** not be used in calculating the cost of fringe benefits. ~~Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed itemization described in subsection (4).~~ A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. A public record search ~~shall~~ **must** be made and a copy of a public record ~~shall~~ **must** be furnished without charge for the first $20.00 of the fee for each request by either of the following:

(a) An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection ~~(4).~~ **(5)**. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if any of the following apply:

(*i*) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.

(*ii*) The individual requests the information in conjunction with outside parties who are offering or providing payment or other

remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

(b) A nonprofit organization formally designated by ~~the~~ **this** state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or ~~their~~ **the organization's** successors, if the request meets all of the following requirements:

(*i*) ~~Is~~ **The request is** made directly on behalf of the organization or ~~its~~ **the organization's** clients.

(*ii*) ~~Is~~ **The request is** made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

(*iii*) ~~Is~~ **The request is** accompanied by documentation of ~~its~~ **the organization's** designation by ~~the~~ **this** state, if requested by the public body.

(4) ~~(3)~~ A fee as described in subsection (1) ~~shall~~ **must** not ~~be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14~~ **include a charge for labor costs described in subsection (2)** unless failure to charge ~~a fee~~ **for labor costs** would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

(5) ~~(4)~~ A public body shall establish procedures and guidelines to implement this act and shall create a written public

summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary ~~shall~~ **must** be written in a manner so as to be easily understood by the general public. If the public body directly or indirectly administers or maintains an official internet presence, ~~it~~ **the public body** shall post and maintain the procedures and guidelines and ~~its~~ **the public body's** written public summary on ~~its~~ **the public body's** website. A public body shall make the procedures and guidelines publicly available by providing free copies of the procedures and guidelines and ~~its~~ **the public body's** written public summary both in the public body's response to a written request and upon request by visitors at the public body's office. A public body that posts and maintains procedures and guidelines and ~~its~~ **the public body's** written public summary on ~~its~~ **the public body's** website may include the website link to the documents in lieu of providing paper copies in ~~its~~ **the public body's** response to a written request. A public body's procedures and guidelines must include the use of a standard form for detailed itemization of any fee amount in ~~its~~ **the public body's** responses to written requests under this act. The detailed itemization must clearly list and explain the allowable charges for each of the ~~6~~ fee components listed under ~~subsection~~ **subsections** (1) **and (2)** that compose the total fee used for estimating or charging purposes. Other public bodies may use a form created by the department of technology, management, and budget or create a form of ~~their~~ **the public body's** own that complies with this subsection. A public body that has not

established procedures and guidelines, has not created a written public summary, or has not made those items publicly available without charge as required in this subsection is not relieved of ~~its~~ **the public body's** duty to comply with any requirement of this act and shall not require deposits or charge fees otherwise permitted under this act until ~~it~~ **the public body** is in compliance with this subsection. Notwithstanding this subsection and despite any law to the contrary, a public body's procedures and guidelines under this act are not exempt public records under section 13.

(6) ~~(5)~~ If the public body directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any charges under subsection ~~(1)(b).~~ **(2)(b).** If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on ~~its~~ **the public body's** website, the public body shall notify the requestor in ~~its~~ **the public body's** written response that all or a portion of the requested information is available on ~~its~~ **the public body's** website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed itemization described in subsection ~~(4),~~ **(5),** the public body shall separate the requested public records that are available on ~~its~~ **the public body's** website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on ~~its~~ **the public body's** website. If the public body has included the website address for a record in ~~its~~ **the public body's** written response to the requestor and the requestor thereafter stipulates that the

public record be provided to ~~him or her~~ **the requestor** in a paper format or other form as described under subsection ~~(1)(c),~~ **(1)(a),** the public body shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation in subsection ~~(2),~~ **(3),** not to exceed the actual costs of providing the information in the specified format.

(7) ~~(6)~~ A public body may provide requested information available in public records without receipt of a written request.

(8) ~~(7)~~ If a verbal request for information is for information that a public body believes is available on the public body's website, the public employee shall, where practicable and to the best of the public employee's knowledge, inform the requestor about the public body's pertinent website address.

(9) ~~(8)~~ In either the public body's initial response or subsequent response as described under section 5(2)(d), the public body may require a good-faith deposit from the ~~person requesting information~~ **requestor** before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds $50.00, based on a good-faith calculation of the total fee described in subsection ~~(4).~~ **(5).** Subject to subsection ~~(10),~~ **(11),** the deposit must not exceed 1/2 of the total estimated fee, and a public body's request for a deposit must include a detailed itemization as required under subsection ~~(4).~~ **(5).** The response must also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding ~~upon~~ **on** the public body, but the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public

records in a manner based on this state's public policy under section 1 and the nature of the request in the particular instance. If a public body does not respond in a timely manner as described under section 5(2), ~~it~~ **the public body** is not relieved from ~~its~~ **the public body's** requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve a public body from ~~any of~~ the other requirements of this act.

(10) ~~(9)~~ If a public body does not respond to a written request in a timely manner as required under section 5(2), the public body shall do the following:

(a) Reduce the charges for labor costs otherwise permitted under this section by 5% for each day the public body exceeds the time permitted under section 5(2) for a response to the request, with a maximum 50% reduction, if either of the following applies:

(*i*) The late response was willful and intentional.

(*ii*) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, ~~electronic mail, or electronic mail~~ **email**, **or email** attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an ~~electronic mail,~~ **email**, letter, or facsimile cover page.

(b) If a charge reduction is required under subdivision (a), fully note the charge reduction on the detailed itemization described under subsection ~~(4).~~**(5)**.

(11) ~~(10)~~ This section does not apply to public records

prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(12) ~~(11)~~ Subject to subsection ~~(12),~~ **(13),** after a public body has granted and fulfilled a written request from an individual under this act, if the public body has not been paid in full the total amount under subsection (1) for the copies of public records that the public body made available to the individual as a result of that written request, the public body may require a deposit of up to 100% of the estimated fee before ~~it~~ **the public body** begins a full public record search for any subsequent written request from that individual if all of the following apply:

(a) The final fee for the prior written request was not more than 105% of the estimated fee.

(b) The public records made available contained the information being sought in the prior written request and are still in the public body's possession.

(c) The public records were made available to the individual, subject to payment, within the time frame estimate described under subsection ~~(8).~~ **(9).**

(d) Ninety days have passed since the public body notified the individual in writing that the public records were available for pickup or mailing.

(e) The individual is unable to show proof of prior payment to the public body.

(f) The public body calculates a detailed itemization, as required under subsection ~~(4),~~ **(5),** that is the basis for the current written request's increased estimated fee deposit.

(13) ~~(12)~~ A public body shall no longer require an increased estimated fee deposit from an individual as described under subsection ~~(11)~~ **(12)** if any of the following apply:

(a) The individual is able to show proof of prior payment in full to the public body.

(b) The public body is subsequently paid in full for the applicable prior written request.

(c) Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the public body.

(14) ~~(13)~~ A deposit required by a public body under this act is a fee.

(15) ~~(14)~~ If a deposit that is required under subsection ~~(8) or (11)~~ **(9) or (12)** is not received by the public body ~~within~~ **not later than** 45 days from receipt by the ~~requesting person~~ **requestor** of the notice that a deposit is required, and if the ~~requesting person~~ **requestor** has not filed an appeal of the deposit amount pursuant to section 10a, **the public body may consider** the request ~~shall be considered~~ **to have been** abandoned by the ~~requesting person~~ **requestor** and the public body is no longer required to fulfill the request. Notice of a deposit requirement under subsection ~~(8) or (11)~~ **(9) or (12)** is considered received 3 days after ~~it~~ **the notice** is sent, regardless of the means of transmission. Notice of a deposit requirement under subsection ~~(8) or (11)~~ **(9) or (12)** must include notice of the date ~~by which~~ **that** the deposit must be received **by**, which date is 48 days after the date the notice is sent.

(16) As used in this section, "overtime" means time worked by an employee that exceeds the hours normally and customarily worked

by the employee.