

HOUSE BILL No. 4009

January 9, 2019, Introduced by Reps. Lasinski, Hauck, Glenn, Berman, Allor, Guerra and Filler and referred to the Committee on Government Operations.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
(MCL 15.231 to 15.246) by adding sections 59e and 59f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 59E. (1) IF A PUBLIC RECORD CONTAINS MATERIAL THAT IS NOT
2 EXEMPT UNDER SECTION 59D, AS WELL AS MATERIAL THAT IS EXEMPT FROM
3 DISCLOSURE UNDER SECTION 59D, THE PUBLIC BODY SHALL SEPARATE THE
4 EXEMPT AND NONEXEMPT MATERIAL AND MAKE THE NONEXEMPT MATERIAL
5 AVAILABLE FOR EXAMINATION AND COPYING.

6 (2) WHEN DESIGNING A PUBLIC RECORD, A PUBLIC BODY SHALL, TO
7 THE EXTENT PRACTICABLE, FACILITATE A SEPARATION OF EXEMPT FROM
8 NONEXEMPT INFORMATION. IF THE SEPARATION IS READILY APPARENT TO A
9 PERSON REQUESTING TO INSPECT OR RECEIVE COPIES OF THE FORM, THE
10 PUBLIC BODY SHALL GENERALLY DESCRIBE THE MATERIAL EXEMPTED UNLESS

1 THAT DESCRIPTION WOULD REVEAL THE CONTENTS OF THE EXEMPT
2 INFORMATION AND THUS DEFEAT THE PURPOSE OF THE EXEMPTION.

3 SEC. 59F. THE ATTORNEY GENERAL SHALL COUNSEL AND ADVISE A
4 PUBLIC BODY ON THE ADMINISTRATION OF THIS PART UPON REQUEST.

5 Enacting section 1. This amendatory act takes effect January
6 1, 2020.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 4011 (request no.
9 00015'19 *) of the 100th Legislature is enacted into law.