

Act No. 131
Public Acts of 1994
Approved by the Governor
May 19, 1994
Filed with the Secretary of State
May 19, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Hoffman Welborn Gast Gougeon DiNello Wartner Dingell Arthurhultz and Berryman

ENROLLED SENATE BILL No. 639

AN ACT to amend sections 1 and 2 of Act No. 442 of the Public Acts of 1976 entitled An act to provide for public access to certain public records of public bodies to permit certain fees to prescribe the powers and duties of certain public officers and public bodies to provide remedies and penalties and to repeal certain acts and parts of acts being sections 15 231 and 15 232 of the Michigan Compiled Laws and to repeal certain acts and parts of acts

The People of the State of Michigan enact

Section 1 Sections 1 and 2 of Act No. 442 of the Public Acts of 1976 being sections 15 231 and 15 232 of the Michigan Compiled Laws are amended to read as follows

Sec 1 (1) This act shall be known and may be cited as the freedom of information act

(2) It is the public policy of this state that all persons except those persons incarcerated in state or local correctional facilities are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees consistent with this act The people shall be informed so that they may fully participate in the democratic process

Sec 2 As used in this act

(a) Person means an individual corporation partnership firm organization or association except that person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state or in a federal correctional facility

(b) Public body means

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

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

(iii) A county city town hip village intercounty intercity or regional governing body council school district special district or municipal corporation or a board department commission council or agency thereof

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority

(v) The judiciary including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court is not included in the definition of public body

(c) Public record means a writing prepared owned used in the possession of or retained by a public body in the performance of an official function from the time it is created This act separates public records into 2 classes (i) those which are exempt from disclosure under section 13 and (ii) all others which are subject to disclosure under this act

(d) Unusual circumstances means any 1 or a combination of the following but only to the extent necessary for the proper processing of a request

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

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

(e) Writing means handwriting typewriting printing photostating photographing photocopying and every other means of recording and includes letters words pictures sounds or symbols or combinations thereof and papers maps magnetic or paper tapes photographic films or prints microfilm microfiche magnetic or punched cards discs drums or other means of recording or retaining meaningful content

Section 2 Section 30 of Act No 232 of the Public Acts of 1953 being section 791 230 of the Michigan Compiled Laws is repealed

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor