

**SUBSTITUTE FOR
SENATE BILL NO. 670**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 6, 10, and 13 (MCL 15.236, 15.240, and 15.243), section 6 as amended by 1996 PA 553, section 10 as amended by 2014 PA 563, and section 13 as amended by 2023 PA 64, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) **All of the following apply to the designation of a**
2 **FOIA coordinator:**

3 **(a)** A public body that is a city, village, township, county,
4 or state department, or under the control of a city, village,
5 township, county, or state department, shall designate an
6 individual as the public body's FOIA coordinator.

1 (b) In a county not having an executive form of government,
2 the chairperson of the county board of commissioners is designated
3 the FOIA coordinator for that county.

4 (c) This state's speaker of the house of representatives shall
5 designate an individual as the FOIA coordinator for the house of
6 representatives.

7 (d) This state's senate majority leader shall designate an
8 individual as the FOIA coordinator for the senate.

9 (e) For all other public bodies, the chief administrative
10 officer of the respective public body is designated the public
11 body's FOIA coordinator.

12 (2) The FOIA coordinator shall ~~be responsible for accepting~~
13 ~~and processing~~ **accept and process** requests for the public body's
14 public records under this act and shall ~~be responsible for~~
15 ~~approving a~~ **approve any** denial under section 5(4) and (5). In a
16 county not having an executive form of government, the chairperson
17 of the county board of commissioners is designated the FOIA
18 coordinator for that county. **5(5) and (6).**

19 ~~(2) For all other public bodies, the chief administrative~~
20 ~~officer of the respective public body is designated the public~~
21 ~~body's FOIA coordinator.~~

22 (3) ~~An~~ **A** FOIA coordinator may designate another individual to
23 act on his or her ~~the~~ **FOIA coordinator's** behalf in accepting and
24 processing requests for the public body's public records, and in
25 approving a denial under section 5(4) and (5). **5(5) and (6).**

26 Sec. 10. (1) If a public body makes a final determination to
27 deny all or a portion of a request, the requesting person may do ~~±~~
28 **either** of the following: ~~at his or her option:~~

29 (a) Submit to the head of the public body a written appeal

1 that specifically states the word "appeal" and identifies the
2 reason or reasons for reversal of the denial. **For purposes of an**
3 **appeal under this subdivision of a denial by a state legislative**
4 **public body as described in section 2(i) (ii), the submission must be**
5 **made to 1 of the following, as applicable:**

6 (i) **An individual designated by the speaker of the house of**
7 **representatives to respond to appeals on behalf of the house of**
8 **representatives.**

9 (ii) **An individual designated by the senate majority leader to**
10 **respond to appeals on behalf of the senate.**

11 (b) Commence a civil action in the circuit court, or if the
12 decision of a state public body is at issue, the court of claims,
13 to compel the public body's disclosure of the public records within
14 180 days after ~~a~~**the** public body's final determination to deny a
15 request.

16 (2) Within 10 business days after receiving a written appeal
17 pursuant to subsection (1)(a), the head of a public body shall do 1
18 of the following:

19 (a) Reverse the disclosure denial.

20 (b) Issue a written notice to the requesting person upholding
21 the disclosure denial.

22 (c) Reverse the disclosure denial in part and issue a written
23 notice to the requesting person upholding the disclosure denial in
24 part.

25 (d) Under unusual circumstances, issue a notice extending for
26 not more than 10 business days the period during which the head of
27 the public body shall respond to the written appeal. The head of a
28 public body shall not issue more than 1 notice of extension for a
29 particular written appeal.

1 (3) A board or commission that is the head of a public body is
2 not considered to have received a written appeal under subsection
3 (2) until the first regularly scheduled meeting of that board or
4 commission following submission of the written appeal under
5 subsection (1) (a). If the head of the public body fails to respond
6 to a written appeal pursuant to subsection (2), or if the head of
7 the public body upholds all or a portion of the disclosure denial
8 that is the subject of the written appeal, the requesting person
9 may seek judicial review of the nondisclosure by commencing a civil
10 action under subsection (1) (b).

11 (4) In an action commenced under subsection (1) (b), a court
12 that determines a public record is not exempt from disclosure shall
13 order the public body to cease withholding or to produce all or a
14 portion of a public record wrongfully withheld, regardless of the
15 location of the public record. Venue for an action against a local
16 public body is proper in the circuit court for the county in which
17 the public record or an office of the public body is located has
18 venue over the action. The court shall determine the matter de novo
19 and the burden is on the public body to sustain its denial. The
20 court, on its own motion, may view the public record in controversy
21 in private before reaching a decision. Failure to comply with an
22 order of the court may be punished as contempt of court.

23 (5) An action commenced under this section and an appeal from
24 an action commenced under this section ~~shall~~**must** be assigned for
25 hearing and trial or for argument at the earliest practicable date
26 and expedited in every way.

27 (6) If a person asserting the right to inspect, copy, or
28 receive a copy of all or a portion of a public record prevails in
29 an action commenced under this section, the court shall award

1 reasonable ~~attorneys'~~**attorney** fees, costs, and disbursements. If
2 the person or public body prevails in part, the court may, in its
3 discretion, award all or an appropriate portion of reasonable
4 ~~attorneys'~~**attorney** fees, costs, and disbursements. The award ~~shall~~
5 **must** be assessed against the public body liable for damages under
6 subsection (7).

7 (7) If the court determines in an action commenced under this
8 section that the public body has arbitrarily and capriciously
9 violated this act by refusal or delay in disclosing or providing
10 copies of a public record, the court shall order the public body to
11 pay a civil fine of \$1,000.00 ~~, which shall~~**that must** be deposited
12 into the general fund of the state treasury. The court shall award,
13 in addition to any actual or compensatory damages, punitive damages
14 in the amount of \$1,000.00 to the person seeking the right to
15 inspect or receive a copy of a public record. The damages ~~shall~~
16 **must** not be assessed against an individual, but ~~shall~~**must** be
17 assessed against the next succeeding public body that is not an
18 individual and that kept or maintained the public record as part of
19 its public function.

20 Sec. 13. (1) A public body may exempt from disclosure as a
21 public record under this act any of the following:

22 (a) Information of a personal nature if public disclosure of
23 the information would constitute a clearly unwarranted invasion of
24 an individual's privacy.

25 (b) Investigating records compiled for law enforcement
26 purposes, but only to the extent that disclosure as a public record
27 would do any of the following:

28 (i) Interfere with law enforcement proceedings.

29 (ii) Deprive a person of the right to a fair trial or impartial

1 administrative adjudication.

2 (iii) Constitute an unwarranted invasion of personal privacy.

3 (iv) Disclose the identity of a confidential source, or if the
4 record is compiled by a law enforcement agency in the course of a
5 criminal investigation, disclose confidential information furnished
6 only by a confidential source.

7 (v) Disclose law enforcement investigative techniques or
8 procedures.

9 (vi) Endanger the life or physical safety of law enforcement
10 personnel.

11 (vii) Disclose the identity of a party who, as described in
12 subdivision (cc), proceeds anonymously in a civil action in which
13 the party alleges that the party was the victim of sexual
14 misconduct. For the purpose of securing the party's anonymity, that
15 party or the party's designee may provide written notification of
16 the civil action and the party's wish to remain anonymous to any
17 law enforcement agency that has investigating records subject to
18 this subparagraph, and the law enforcement agency shall retain a
19 copy of that notification in its files with those investigating
20 records.

21 (c) A public record that if disclosed would prejudice a public
22 body's ability to maintain the physical security of custodial or
23 penal institutions occupied by persons arrested or convicted of a
24 crime or admitted because of a mental disability, unless the public
25 interest in disclosure under this act outweighs the public interest
26 in nondisclosure.

27 (d) Records or information specifically described and exempted
28 from disclosure by statute.

29 (e) A public record or information described in this section

1 that is furnished by the public body originally compiling,
2 preparing, or receiving the record or information to a public
3 officer or public body in connection with the performance of the
4 duties of that public officer or public body, if the considerations
5 originally giving rise to the exempt nature of the public record
6 remain applicable.

7 (f) Trade secrets or commercial or financial information
8 voluntarily provided to an agency, **or a state legislative public**
9 **body as described in section 2(i)(ii)**, for use in developing
10 governmental policy if:

11 (i) The information is submitted upon a promise of
12 confidentiality by the public body.

13 (ii) The promise of confidentiality is authorized by the chief
14 administrative officer of the public body or by an elected official
15 at the time the promise is made.

16 (iii) A description of the information is recorded by the public
17 body within a reasonable time after it has been submitted,
18 maintained in a central place within the public body, and made
19 available to a person upon request. This subdivision does not apply
20 to information submitted as required by law or as a condition of
21 receiving a governmental contract, license, or other benefit.

22 (g) Information or records subject to the attorney-client
23 privilege, **the attorney work product privilege, or both.**

24 (h) Information or records subject to the physician-patient
25 privilege, the psychologist-patient privilege, the minister,
26 priest, or Christian Science practitioner privilege, or other
27 privilege recognized by statute or court rule.

28 (i) A bid or proposal by a person to enter into a contract or
29 agreement, until the time for the public opening of bids or

1 proposals, or if a public opening is not to be conducted, until the
2 deadline for submission of bids or proposals has expired.

3 (j) Appraisals of real property to be acquired by the public
4 body until either of the following occurs:

5 (i) An agreement is entered into.

6 (ii) Three years have elapsed since the making of the
7 appraisal, unless litigation relative to the acquisition has not
8 yet terminated.

9 (k) Test questions and answers, scoring keys, and other
10 examination instruments or data used to administer a license,
11 public employment, or academic examination, unless the public
12 interest in disclosure under this act outweighs the public interest
13 in nondisclosure.

14 (l) Medical, counseling, or psychological facts or evaluations
15 concerning an individual if the individual's identity would be
16 revealed by a disclosure of those facts or evaluation, including
17 protected health information, as defined in 45 CFR 160.103.

18 (m) Communications and notes within a public body or between
19 public bodies of an advisory nature to the extent that they cover
20 other than purely factual materials and are preliminary to a final
21 agency determination of policy or action. This exemption does not
22 apply unless the public body shows that in the particular instance
23 the public interest in encouraging frank communication between
24 officials and employees of public bodies clearly outweighs the
25 public interest in disclosure. This exemption does not constitute
26 an exemption under state law for purposes of section 8(h) of the
27 open meetings act, 1976 PA 267, MCL 15.268. As used in this
28 subdivision, "determination of policy or action" includes a
29 determination relating to collective bargaining, unless the public

1 record is otherwise required to be made available under 1947 PA
2 336, MCL 423.201 to 423.217.

3 (n) Records of law enforcement communication codes, or plans
4 for deployment of law enforcement personnel, that if disclosed
5 would prejudice a public body's ability to protect the public
6 safety unless the public interest in disclosure under this act
7 outweighs the public interest in nondisclosure in the particular
8 instance.

9 (o) Information that would reveal the exact location of
10 archaeological sites. The department of natural resources may
11 promulgate rules in accordance with the administrative procedures
12 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the
13 disclosure of the location of archaeological sites for purposes
14 relating to the preservation or scientific examination of sites.

15 (p) Testing data developed by a public body in determining
16 whether bidders' products meet the specifications for purchase of
17 those products by the public body, if disclosure of the data would
18 reveal that only 1 bidder has met the specifications. This
19 subdivision does not apply after 1 year has elapsed from the time
20 the public body completes the testing.

21 (q) Academic transcripts of an institution of higher education
22 established under section 5, 6, or 7 of article VIII of the state
23 constitution of 1963, if the transcript pertains to a student who
24 is delinquent in the payment of financial obligations to the
25 institution.

26 (r) Records of a campaign committee including a committee that
27 receives money from a state campaign fund.

28 (s) Unless the public interest in disclosure outweighs the
29 public interest in nondisclosure in the particular instance, public

1 records of a law enforcement agency, the release of which would do
2 any of the following:

3 (i) Identify or provide a means of identifying an informant.

4 (ii) Identify or provide a means of identifying a law
5 enforcement undercover officer or agent or a plain clothes officer
6 as a law enforcement officer or agent.

7 (iii) Disclose the personal address or telephone number of
8 active or retired law enforcement officers or agents or a special
9 skill that they may have.

10 (iv) Disclose the name, address, or telephone numbers of family
11 members, relatives, children, or parents of active or retired law
12 enforcement officers or agents.

13 (v) Disclose operational instructions for law enforcement
14 officers or agents.

15 (vi) Reveal the contents of staff manuals provided for law
16 enforcement officers or agents.

17 (vii) Endanger the life or safety of law enforcement officers
18 or agents or their families, relatives, children, parents, or those
19 who furnish information to law enforcement departments or agencies.

20 (viii) Identify or provide a means of identifying a person as a
21 law enforcement officer, agent, or informant.

22 (ix) Disclose personnel records of law enforcement agencies.

23 (x) Identify or provide a means of identifying residences that
24 law enforcement agencies are requested to check in the absence of
25 their owners or tenants.

26 (t) Except as otherwise provided in this subdivision, records
27 and information pertaining to an investigation or a compliance
28 conference conducted by the department under article 15 of the
29 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before

1 a complaint is issued. This subdivision does not apply to records
2 or information pertaining to 1 or more of the following:

3 (i) The fact that an allegation has been received and an
4 investigation is being conducted, and the date the allegation was
5 received.

6 (ii) The fact that an allegation was received by the
7 department; the fact that the department did not issue a complaint
8 for the allegation; and the fact that the allegation was dismissed.

9 (u) Records of a public body's security measures, including
10 security plans, security codes and combinations, passwords, passes,
11 keys, and security procedures, to the extent that the records
12 relate to the ongoing security of the public body.

13 (v) Records or information relating to a civil action in which
14 the requesting party and the public body are parties.

15 (w) Information or records that would disclose the Social
16 Security number of an individual.

17 (x) Except as otherwise provided in this subdivision, an
18 application for the position of president of an institution of
19 higher education established under section 4, 5, or 6 of article
20 VIII of the state constitution of 1963, materials submitted with
21 such an application, letters of recommendation or references
22 concerning an applicant, and records or information relating to the
23 process of searching for and selecting an individual for a position
24 described in this subdivision, if the records or information could
25 be used to identify a candidate for the position. However, after 1
26 or more individuals have been identified as finalists for a
27 position described in this subdivision, this subdivision does not
28 apply to a public record described in this subdivision, except a
29 letter of recommendation or reference, to the extent that the

1 public record relates to an individual identified as a finalist for
2 the position.

3 (y) Records or information of measures designed to protect the
4 security or safety of persons or property, or the confidentiality,
5 integrity, or availability of information systems, whether public
6 or private, including, but not limited to, building, public works,
7 and public water supply designs to the extent that those designs
8 relate to the ongoing security measures of a public body,
9 capabilities and plans for responding to a violation of the
10 Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan
11 penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency
12 response plans, risk planning documents, threat assessments,
13 domestic preparedness strategies, and cybersecurity plans,
14 assessments, or vulnerabilities, unless disclosure would not impair
15 a public body's ability to protect the security or safety of
16 persons or property or unless the public interest in disclosure
17 outweighs the public interest in nondisclosure in the particular
18 instance.

19 (z) Information that would identify or provide a means of
20 identifying a person that may, as a result of disclosure of the
21 information, become a victim of a cybersecurity incident or that
22 would disclose a person's cybersecurity plans or cybersecurity-
23 related practices, procedures, methods, results, organizational
24 information system infrastructure, hardware, or software.

25 (aa) Research data on road and attendant infrastructure
26 collected, measured, recorded, processed, or disseminated by a
27 public agency or private entity, or information about software or
28 hardware created or used by the private entity for such purposes.

29 (bb) Records or information that would reveal the specific

1 location or GPS coordinates of game, including, but not limited to,
2 records or information of the specific location or GPS coordinates
3 of game obtained by the department of natural resources during any
4 restoration, management, or research project conducted under
5 section 40501 of the natural resources and environmental protection
6 act, 1994 PA 451, MCL 324.40501, or in connection with the
7 expenditure of money under section 43553 of the natural resources
8 and environmental protection act, 1994 PA 451, MCL 324.43553. As
9 used in this subdivision, "game" means that term as defined in
10 section 40103 of the natural resources and environmental protection
11 act, 1994 PA 451, MCL 324.40103.

12 (cc) Information that would reveal the identity of a party who
13 proceeds anonymously in a civil action in which the party alleges
14 that the party was the victim of sexual misconduct. As used in this
15 subdivision, "sexual misconduct" means the conduct described in
16 section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g
17 of the Michigan penal code, 1931 PA 328, MCL 750.90, 750.136,
18 750.145a, 750.145b, 750.145c, 750.520b, 750.520c, 750.520d,
19 750.520e, and 750.520g, regardless of whether the conduct resulted
20 in a criminal conviction.

21 **(2) In addition to their grounds for exemption set forth in**
22 **subsection (1), the executive office of the governor and lieutenant**
23 **governor may exempt from disclosure as a public record under this**
24 **act any of the following:**

25 **(a) Records or information in the possession of the executive**
26 **office of the governor or lieutenant governor or of an employee of**
27 **either of those offices that relates to any of the following:**

28 **(i) The appointment of an individual as a department or agency**
29 **director; as a member of a board, commission, or council; to fill a**

1 vacancy on a court pursuant to section 23 of article VI of the
2 state constitution of 1963; or to any other position the governor
3 appoints as provided by law. After an individual has been appointed
4 to a position described in this subparagraph, the exemption does
5 not apply to records or information that relate to that individual
6 except for records or information that relate to the process
7 undertaken to select that individual for appointment, including,
8 but not limited to, an application, letter of recommendation, or
9 letter of reference.

10 (ii) The decision to remove or suspend from office any public
11 official pursuant to section 10 of article V of the state
12 constitution of 1963, section 33 of article VII of the state
13 constitution of 1963, or the Michigan election law, 1954 PA 116,
14 MCL 168.1 to 168.99, or to remove a judge from office pursuant to
15 section 25 of article VI of the state constitution of 1963. After
16 an individual has been removed from a position described in this
17 subparagraph, the exemption for records and information under this
18 subparagraph does not apply to a record that relates to that
19 individual.

20 (iii) The decision to grant or deny a reprieve, pardon, or
21 commutation pursuant to section 14 of article V of the state
22 constitution of 1963.

23 (iv) A budget recommendation prepared pursuant to section 18 of
24 article V of the state constitution of 1963.

25 (v) A reduction in expenditures pursuant to section 20 of
26 article V of the state constitution of 1963.

27 (vi) A message or recommendation to the legislature pursuant to
28 section 17 of article V of the state constitution of 1963.

29 (vii) The executive residence described in section 24 of

1 article V of the state constitution of 1963.

2 (b) Information or records subject to executive privilege.

3 (c) Records created, prepared, owned, used, in the possession
4 of, or retained by the governor, the lieutenant governor, the
5 executive office of the governor or lieutenant governor, or an
6 employee of either of those offices prior to the effective date of
7 the amendatory act that added this subdivision.

8 (d) Communications, including any related records or
9 information, between the executive office of the governor or
10 lieutenant governor or any employee of either of those offices and
11 a constituent, other than a person that receives an appointment,
12 unless otherwise exempt from disclosure under this section, or is
13 employed by this state or a person required to be registered as a
14 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of
15 this subdivision, "constituent" means an individual who resides in
16 this state and who contacts the executive office of the governor or
17 lieutenant governor for assistance in personally obtaining
18 government services, to express a personal opinion, or for redress
19 of personal grievances.

20 (e) Records or information that could impact the security of
21 the governor or lieutenant governor or their family members.

22 (f) The cellular telephone number of the governor or
23 lieutenant governor or an employee of the executive office of the
24 governor or lieutenant governor.

25 (g) Records or information pertaining to an internal
26 investigation.

27 (h) Records or information relating to a civil action in which
28 the executive office of the governor or lieutenant governor is a
29 party until such litigation or claim has been finally adjudicated

1 or otherwise settled.

2 (i) Records created, prepared, owned, used, in the possession
3 of, or retained by the governor, the lieutenant governor, the
4 executive office of the governor or lieutenant governor, or an
5 employee of those offices for less than 30 days.

6 (j) Records created or prepared by the governor, the
7 lieutenant governor, an employee of the executive office of the
8 governor or lieutenant governor, a legislator, or an employee of a
9 state legislative public body as described in section 2(i)(ii), that
10 relate to advice, opinions, or recommendations about public policy
11 or district work.

12 (3) In addition to its grounds for exemption set forth in
13 subsection (1), a public body that is a state legislative public
14 body as described in section 2(i)(ii) may exempt from disclosure as
15 a public record under this act any of the following:

16 (a) Communications, including any related records or
17 information, between a legislator or a legislator's office and a
18 constituent, other than a person required to be registered as a
19 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of
20 this subdivision, "constituent" means any of the following:

21 (i) An individual who is registered to vote in the district the
22 legislator is elected to represent.

23 (ii) An individual who is a resident of the district the
24 legislator is elected to represent and who is not registered to
25 vote outside of that district.

26 (iii) An individual other than an individual described in
27 subparagraph (i) or (ii) if it can be reasonably inferred that the
28 individual intended that the communication be with the legislator
29 elected to represent the district where the individual is

1 registered to vote or, if not registered to vote, resides.

2 (b) Records or information pertaining to an internal or
3 legislative investigation.

4 (c) Records or information relating to a civil action in which
5 the state legislative public body is a party until such litigation
6 or claim has been finally adjudicated or otherwise settled.

7 (d) Records or information specifically described and exempted
8 from disclosure by statute or regulation and including the records
9 and information subject to confidentiality requirements in sections
10 109, 501, and 601 of the legislative council act, 1986 PA 268, MCL
11 4.1109, 4.1501, and 4.1601, in section 9 of 2016 PA 198, MCL 4.779,
12 and in section 9 of 1975 PA 46, MCL 4.359.

13 (e) Records of the office of sergeant at arms.

14 (f) Records created, prepared, owned, used, in the possession
15 of, or retained by the state legislative public body for less than
16 30 days.

17 (g) Records created, prepared, owned, used, in the possession
18 of, or retained by the state legislative public body prior to the
19 effective date of the amendatory act that added this subdivision.

20 (h) Records created or prepared by the governor, the
21 lieutenant governor, an employee of the executive office of the
22 governor or lieutenant governor, a legislator, or an employee of a
23 state legislative public body, that relate to advice, opinions, or
24 recommendations about public policy or district work.

25 (i) The personal telephone numbers of any legislator or
26 employee of the state legislative public body.

27 (j) Records or information related to the appointment of an
28 individual to any position for which this state's speaker of the
29 house of representatives or senate majority leader makes the

1 appointment as provided by law. After an individual has been
 2 appointed to a position described in this subdivision, the
 3 exemption does not apply to records or information that relate to
 4 that individual except for records or information that relate to
 5 the process undertaken to select that individual for appointment,
 6 including, but not limited to, an application, letter of
 7 recommendation, or letter of reference.

8 (4) Subsection (3) does not authorize the exemption from
 9 disclosure of any salary record of an employee or official of a
 10 state legislative public body as described in section 2(i)(ii).

11 (5) ~~(2)~~—A public body shall exempt from disclosure information
 12 that, if released, would prevent the public body from complying
 13 with 20 USC 1232g, commonly referred to as the family educational
 14 rights and privacy act of 1974. A public body that is a local or
 15 intermediate school district or a public school academy shall
 16 exempt from disclosure directory information, as defined by 20 USC
 17 1232g, commonly referred to as the family educational rights and
 18 privacy act of 1974, requested for the purpose of surveys,
 19 marketing, or solicitation, unless that public body determines that
 20 the use is consistent with the educational mission of the public
 21 body and beneficial to the affected students. A public body that is
 22 a local or intermediate school district or a public school academy
 23 may take steps to ensure that directory information disclosed under
 24 this subsection is not used, rented, or sold for the purpose of
 25 surveys, marketing, or solicitation. Before disclosing the
 26 directory information, a public body that is a local or
 27 intermediate school district or a public school academy may require
 28 the requestor to execute an affidavit stating that directory
 29 information provided under this subsection will not be used,

1 rented, or sold for the purpose of surveys, marketing, or
2 solicitation.

3 **(6)** ~~(3)~~—This act does not authorize the withholding of
4 information otherwise required by law to be made available to the
5 public or to a party in a contested case under the administrative
6 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7 ~~(4) Except as otherwise exempt under subsection (1), this act~~
8 ~~does not authorize the withholding of a public record in the~~
9 ~~possession of the executive office of the governor or lieutenant~~
10 ~~governor, or an employee of either executive office, if the public~~
11 ~~record is transferred to the executive office of the governor or~~
12 ~~lieutenant governor, or an employee of either executive office,~~
13 ~~after a request for the public record has been received by a state~~
14 ~~officer, employee, agency, department, division, bureau, board,~~
15 ~~commission, council, authority, or other body in the executive~~
16 ~~branch of government that is subject to this act.~~

17 **Sec. 14a. This act's application to a state legislative public**
18 **body as described in section 2(i)(ii) must not be construed to**
19 **limit, modify, waive, or otherwise affect the privileges and**
20 **immunities guaranteed under section 11 of article IV of the state**
21 **constitution of 1963.**

22 Enacting section 1. This amendatory act takes effect on
23 January 1 of the first odd-numbered year that begins at least 6
24 months after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless Senate Bill No. 669 of the 102nd Legislature is enacted into
27 law.