



HOUSE BILL No. 5248

February 1, 2000, Introduced by Reps. Thomas, Schauer, Hale, Bogardus, Schermesser, DeHart, Scott, Jacobs, Brater, Minore, Dennis and Daniels and referred to the Committee on Health Policy.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
by amending section 2 (MCL 15.232), as amended by 1996 PA 553.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Field name" means the label or identification of an
3 element of a computer data base that contains a specific item of
4 information, and includes but is not limited to a subject heading
5 such as a column header, data dictionary, or record layout.

6 (b) "FOIA coordinator" means either of the following:

7 (i) An individual who is a public body.

8 (ii) An individual designated by a public body in accordance
9 with section 6 to accept and process requests for public records
10 under this act.

1 (c) "Person" means an individual, corporation, limited
2 liability company, partnership, firm, organization, association,
3 governmental entity, or other legal entity. Person does not
4 include an individual serving a sentence of imprisonment in a
5 state or county correctional facility in this state or any other
6 state, or in a federal correctional facility.

7 (d) "Public body" means any of the following:

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

13 (ii) An agency, board, commission, or council in the legis-
14 lative branch of the state government.

15 (iii) A county, city, township, village, intercounty, inter-
16 city, or regional governing body, council, school district, spe-
17 cial district, or municipal corporation, or a board, department,
18 commission, council, or agency thereof.

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

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

25 (vi) A GOVERNING BOARD OR OTHER GOVERNING BODY OF A HOSPI-
26 TAL, AS DEFINED IN SECTION 20106 OF THE PUBLIC HEALTH CODE, 1978
27 PA 368, MCL 333.20106, THAT IS EXEMPT FROM FEDERAL INCOME TAX

1 UNDER SECTION 501 OF THE INTERNAL REVENUE CODE OF 1986, 26
2 U.S.C. 501.

3 (e) "Public record" means a writing prepared, owned, used,
4 in the possession of, or retained by a public body in the per-
5 formance of an official function, from the time it is created.
6 Public record does not include computer software. This act sepa-
7 rates public records into the following 2 classes:

8 (i) Those that are exempt from disclosure under section 13.

9 (ii) All public records that are not exempt from disclosure
10 under section 13 and ~~which~~ THAT are subject to disclosure under
11 this act.

12 (f) "Software" means a set of statements or instructions
13 that when incorporated in a machine usable medium is capable of
14 causing a machine or device having information processing capa-
15 bilities to indicate, perform, or achieve a particular function,
16 task, or result. Software does not include computer-stored
17 information or data, or a field name if disclosure of that field
18 name does not violate a software license.

19 (g) "Unusual circumstances" means any 1 or a combination of
20 the following, but only to the extent necessary for the proper
21 processing of a request:

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

25 (ii) The need to collect the requested public records from
26 numerous field offices, facilities, or other establishments which

1 are located apart from the particular office receiving or
2 processing the request.

3 (h) "Writing" means handwriting, typewriting, printing, pho-
4 toasting, photographing, photocopying, and every other means of
5 recording, and includes letters, words, pictures, sounds, or sym-
6 bols, or combinations thereof, and papers, maps, magnetic or
7 paper tapes, photographic films or prints, microfilm, microfiche,
8 magnetic or punched cards, discs, drums, or other means of
9 recording or retaining meaningful content.

10 (i) "Written request" means a writing that asks for informa-
11 tion, and includes a writing transmitted by facsimile, electronic
12 mail, or other electronic means.