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BILL ANALYSIS



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House Bill 6582 (Substitute S-2 as reported)
Sponsor: Representative Jim Lilly
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

CONTENT

The bill would amend the Freedom of Information Act to require a person who requested a public record to include the requesting person's name, address, and contact information with the request.

Currently, after providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable it to find the record, a person has a right to inspect, copy, or receive copies of the requested record. Under the bill, a request from a person, other than an individual who qualified as indigent under the Act, would have to include the requesting person's complete name, address, and contact information, and, if the request were made by a person other than an individual, the complete name, address, and contact information of the person's agent who was an individual. An address would have to be written in compliance with United States Postal Service addressing standards. Contact information would have to include a valid telephone number or electronic mail address.

The Act allows a public body to require a good-faith deposit from the person requesting information before providing the public records. Also, after a public body has granted and fulfilled a written request from an individual, and if it has not been paid in full for the fee for the copies of the record provided to that individual, the public body may require a deposit of an estimated fee before it begins a full public record search for any subsequent request from that individual, if certain conditions are satisfied.

Under the bill, if a deposit described above were not received by the public body within 45 days after the requesting person received of the notice that a deposit was required, and if the requesting person had not filed an appeal of the deposit amount, the request would have to be considered abandoned by the requesting person and the public body would no longer have to fulfill it. Notice of a deposit requirement would be considered received three days after it was sent, regardless of the means of transmission. Notice of a deposit requirement would have to include notice of the date by which the deposit would have to be received, which would have to be 48 days after the notice was sent.

MCL 15.233 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-20-18

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[floor/hb6582](#)

Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.