

SENATE BILL NO. 2

January 08, 2025, Introduced by Senators MCBROOM and MOSS and referred to Committee of the Whole.

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:**

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

5 (b) **In a county not having an executive form of government,**
6 **the chairperson of the county board of commissioners is designated**
7 **the FOIA coordinator for that county.**

8 (c) **This state's speaker of the house of representatives shall**
9 **designate an individual as the FOIA coordinator for the house of**
10 **representatives.**

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

13 (e) **For all other public bodies, the chief administrative**
14 **officer of the respective public body is designated the public**
15 **body's FOIA coordinator.**

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

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

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

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

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

10 (i) **An individual designated by the speaker of the house of**
11 **representatives to respond to appeals on behalf of the house of**
12 **representatives.**

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

15 (b) Commence a civil action in the circuit court, or if the
16 decision of a state public body is at issue, the court of claims,
17 to compel the public body's disclosure of the public records within
18 180 days after ~~a~~**the** public body's final determination to deny a
19 request.

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

23 (a) Reverse the disclosure denial.

24 (b) Issue a written notice to the requesting person upholding
25 the disclosure denial.

26 (c) Reverse the disclosure denial in part and issue a written
27 notice to the requesting person upholding the disclosure denial in
28 part.

29 (d) Under unusual circumstances, issue a notice extending for

1 not more than 10 business days the period during which the head of
2 the public body shall respond to the written appeal. The head of a
3 public body shall not issue more than 1 notice of extension for a
4 particular written appeal.

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

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

27 (5) An action commenced under this section and an appeal from
28 an action commenced under this section ~~shall~~**must** be assigned for
29 hearing and trial or for argument at the earliest practicable date

1 and expedited in every way.

2 (6) If a person asserting the right to inspect, copy, or
3 receive a copy of all or a portion of a public record prevails in
4 an action commenced under this section, the court shall award
5 reasonable ~~attorneys'~~**attorney** fees, costs, and disbursements. If
6 the person or public body prevails in part, the court may, in its
7 discretion, award all or an appropriate portion of reasonable
8 ~~attorneys'~~**attorney** fees, costs, and disbursements. The award ~~shall~~
9 **must** be assessed against the public body liable for damages under
10 subsection (7).

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

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

26 (a) Information of a personal nature if public disclosure of
27 the information would constitute a clearly unwarranted invasion of
28 an individual's privacy.

29 (b) Investigating records compiled for law enforcement

1 purposes, but only to the extent that disclosure as a public record
2 would do any of the following:

3 (i) Interfere with law enforcement proceedings.

4 (ii) Deprive a person of the right to a fair trial or impartial
5 administrative adjudication.

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

7 (iv) Disclose the identity of a confidential source, or if the
8 record is compiled by a law enforcement agency in the course of a
9 criminal investigation, disclose confidential information furnished
10 only by a confidential source.

11 (v) Disclose law enforcement investigative techniques or
12 procedures.

13 (vi) Endanger the life or physical safety of law enforcement
14 personnel.

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

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

1 in nondisclosure.

2 (d) Records or information specifically described and exempted
3 from disclosure by statute **or regulation**.

4 (e) A public record or information described in this section
5 that is furnished by the public body originally compiling,
6 preparing, or receiving the record or information to a public
7 officer or public body in connection with the performance of the
8 duties of that public officer or public body, if the considerations
9 originally giving rise to the exempt nature of the public record
10 remain applicable.

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

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

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

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

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

28 (h) Information or records subject to the physician-patient
29 privilege, the psychologist-patient privilege, the minister,

1 priest, or Christian Science practitioner privilege, or other
2 privilege recognized by statute or court rule.

3 (i) A bid or proposal by a person to enter into a contract or
4 agreement, until the time for the public opening of bids or
5 proposals, or if a public opening is not to be conducted, until the
6 deadline for submission of bids or proposals has expired.

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

9 (i) An agreement is entered into.

10 (ii) Three years have elapsed since the making of the
11 appraisal, unless litigation relative to the acquisition has not
12 yet terminated.

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

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

22 (m) Communications and notes within a public body or between
23 public bodies of an advisory nature to the extent that they cover
24 other than purely factual materials and are preliminary to a final
25 agency determination of policy or action. This exemption does not
26 apply unless the public body shows that in the particular instance
27 the public interest in encouraging frank communication between
28 officials and employees of public bodies clearly outweighs the
29 public interest in disclosure. This exemption does not constitute

1 an exemption under state law for purposes of section ~~8(h)~~**8(1)(h)**
2 of the open meetings act, 1976 PA 267, MCL 15.268. As used in this
3 subdivision, "determination of policy or action" includes a
4 determination relating to collective bargaining, unless the public
5 record is otherwise required to be made available under 1947 PA
6 336, MCL 423.201 to 423.217.

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

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

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

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

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

3 (s) Unless the public interest in disclosure outweighs the
4 public interest in nondisclosure in the particular instance, public
5 records of a law enforcement agency, the release of which would do
6 any of the following:

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

8 (ii) Identify or provide a means of identifying a law
9 enforcement undercover officer or agent or a plain clothes officer
10 as a law enforcement officer or agent.

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

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

17 (v) Disclose operational instructions for law enforcement
18 officers or agents.

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

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

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

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

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

1 (t) Except as otherwise provided in this subdivision, records
2 and information pertaining to an investigation or a compliance
3 conference conducted by the department under article 15 of the
4 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before
5 a complaint is issued. This subdivision does not apply to records
6 or information pertaining to 1 or more of the following:

7 (i) The fact that an allegation has been received and an
8 investigation is being conducted, and the date the allegation was
9 received.

10 (ii) The fact that an allegation was received by the
11 department; the fact that the department did not issue a complaint
12 for the allegation; and the fact that the allegation was dismissed.

13 (u) Records of a public body's security measures, including
14 security plans, security codes and combinations, passwords, passes,
15 keys, and security procedures, to the extent that the records
16 relate to the ongoing security of the public body.

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

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

21 (x) Except as otherwise provided in this subdivision, an
22 application for the position of president of an institution of
23 higher education established under section 4, 5, or 6 of article
24 VIII of the state constitution of 1963, materials submitted with
25 such an application, letters of recommendation or references
26 concerning an applicant, and records or information relating to the
27 process of searching for and selecting an individual for a position
28 described in this subdivision, if the records or information could
29 be used to identify a candidate for the position. However, after 1

1 or more individuals have been identified as finalists for a
2 position described in this subdivision, this subdivision does not
3 apply to a public record described in this subdivision, except a
4 letter of recommendation or reference, to the extent that the
5 public record relates to an individual identified as a finalist for
6 the position.

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

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

29 (aa) Research data on road and attendant infrastructure

1 collected, measured, recorded, processed, or disseminated by a
2 public agency or private entity, or information about software or
3 hardware created or used by the private entity for such purposes.

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

16 (cc) Information that would reveal the identity of a party who
17 proceeds anonymously in a civil action in which the party alleges
18 that the party was the victim of sexual misconduct. As used in this
19 subdivision, "sexual misconduct" means the conduct described in
20 section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g
21 of the Michigan penal code, 1931 PA 328, MCL 750.90, 750.136,
22 750.145a, 750.145b, 750.145c, 750.520b, 750.520c, 750.520d,
23 750.520e, and 750.520g, regardless of whether the conduct resulted
24 in a criminal conviction.

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

29 (a) Records or information in the possession of the executive

1 office of the governor or lieutenant governor or of an employee of
2 either of those offices that relates to any of the following:

3 (i) The appointment of an individual as a department or agency
4 director; as a member of a board, commission, or council; to fill a
5 vacancy on a court pursuant to section 23 of article VI of the
6 state constitution of 1963; or to any other position the governor
7 appoints as provided by law. After an individual has been appointed
8 to a position described in this subparagraph, the exemption does
9 not apply to records or information that relate to that individual
10 except for records or information that relate to the process
11 undertaken to select that individual for appointment, including,
12 but not limited to, an application, letter of recommendation, or
13 letter of reference.

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

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

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

29 (v) A reduction in expenditures pursuant to section 20 of

1 article V of the state constitution of 1963.

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

4 (vii) The executive residence described in section 24 of
5 article V of the state constitution of 1963.

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

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

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

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

26 (f) The cellular telephone number of the governor or
27 lieutenant governor or an employee of the executive office of the
28 governor or lieutenant governor.

29 (g) Records or information pertaining to an internal

1 investigation.

2 (h) Records or information relating to a civil action in which
3 the executive office of the governor or lieutenant governor is a
4 party until such litigation or claim has been finally adjudicated
5 or otherwise settled.

6 (i) Records created, prepared, owned, used, in the possession
7 of, or retained by the governor, the lieutenant governor, the
8 executive office of the governor or lieutenant governor, or an
9 employee of those offices for less than 30 days.

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

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

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

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

27 (ii) An individual who is a resident of the district the
28 legislator is elected to represent and who is not registered to
29 vote outside of that district.

1 (iii) An individual other than an individual described in
2 subparagraph (i) or (ii) if it can be reasonably inferred that the
3 individual intended that the communication be with the legislator
4 elected to represent the district where the individual is
5 registered to vote or, if not registered to vote, resides.

6 (b) Records or information pertaining to an internal or
7 legislative investigation.

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

11 (d) Records or information specifically described and exempted
12 from disclosure by statute or regulation and including the records
13 and information subject to confidentiality requirements in sections
14 109, 501, and 601 of the legislative council act, 1986 PA 268, MCL
15 4.1109, 4.1501, and 4.1601, in section 9 of 2016 PA 198, MCL 4.779,
16 and in section 9 of 1975 PA 46, MCL 4.359.

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

18 (f) Records created, prepared, owned, used, in the possession
19 of, or retained by the state legislative public body for less than
20 30 days.

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

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

29 (i) The personal telephone numbers of any legislator or

1 employee of the state legislative public body.

2 (j) Records or information related to the appointment of an
3 individual to any position for which this state's speaker of the
4 house of representatives or senate majority leader makes the
5 appointment as provided by law. After an individual has been
6 appointed to a position described in this subdivision, the
7 exemption does not apply to records or information that relate to
8 that individual except for records or information that relate to
9 the process undertaken to select that individual for appointment,
10 including, but not limited to, an application, letter of
11 recommendation, or letter of reference.

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

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

1 directory information, a public body that is a local or
 2 intermediate school district or a public school academy may require
 3 the requestor to execute an affidavit stating that directory
 4 information provided under this subsection will not be used,
 5 rented, or sold for the purpose of surveys, marketing, or
 6 solicitation.

7 **(6)** ~~(3)~~—This act does not authorize the withholding of
 8 information otherwise required by law to be made available to the
 9 public or to a party in a contested case under the administrative
 10 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

29 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 1 of the 103rd Legislature is enacted into
2 law.