

Rep. Hood offered the following resolution:

House Resolution No. 33.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 72A of the Standing Rules of the House of Representatives is hereby added to read as follows:

"ACCESS TO PUBLIC RECORDS.

RULE 72A. (1) THE PUBLIC RECORDS OF THE HOUSE OF REPRESENTATIVES SHALL BE OPEN FOR PUBLIC INSPECTION. UPON A WRITTEN REQUEST WHICH DESCRIBES THE PUBLIC RECORD SUFFICIENTLY TO ENABLE THE HOUSE OF REPRESENTATIVES TO FIND THE PUBLIC RECORD, A PERSON HAS A RIGHT TO INSPECT, COPY, OR RECEIVE COPIES OF THAT PUBLIC RECORD OF THE HOUSE OF REPRESENTATIVES. DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

(2) AS USED IN THIS SECTION, "PUBLIC RECORD" MEANS A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE HOUSE OF REPRESENTATIVES IN THE PERFORMANCE OF AN OFFICIAL FUNCTION, FROM THE TIME IT IS CREATED. PUBLIC RECORD DOES NOT INCLUDE FINANCIAL RECORDS COVERED UNDER RULE 72 OR COMPUTER SOFTWARE.

(3) AS USED IN THIS SECTION, "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 RELATING MEANINGFUL CONTENT.

(4) THE FOLLOWING INFORMATION CONTAINED IN LEGISLATIVE PUBLIC RECORDS IS EXEMPT FROM DISCLOSURE UNDER THIS RULE:

(A) INFORMATION OF A PERSONAL NATURE CONTAINED IN PUBLIC RECORDS WHERE THE PUBLIC DISCLOSURE OF THE INFORMATION WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF AN INDIVIDUAL'S PRIVACY. SUCH INFORMATION WOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(I) AN EMPLOYEE'S SOCIAL SECURITY ACCOUNT NUMBER, FINANCIAL INSTITUTION RECORD, ELECTRONIC TRANSFER FUND NUMBER, DEFERRED COMPENSATION, SAVINGS BONDS, W-2 AND W-4 FORMS, AND ANY COURT-ENFORCED JUDGMENTS.

(II) AN EMPLOYEE'S HEALTH CARE BENEFIT SELECTION.

(III) TELEPHONE BILL DETAIL INCLUDING THE TELEPHONE NUMBER AND NAME OF INDIVIDUAL CALLED.

(IV) UNEMPLOYMENT COMPENSATION AND WORKERS' DISABILITY COMPENSATION RECORDS.

(B) RECORDS AND INFORMATION SPECIFICALLY DESCRIBED AND EXEMPTED FROM DISCLOSURE UNDER STATUTE OR SUBJECT TO ATTORNEY-CLIENT PRIVILEGE;

(C) A BID OR PROPOSAL BY A PERSON TO ENTER INTO A CONTRACT OR AGREEMENT, UNTIL THE TIME FOR THE PUBLIC OPENING OF BIDS OR PROPOSALS, OR IF A PUBLIC OPENING IS NOT TO BE CONDUCTED, UNTIL THE TIME FOR THE RECEIPT OF BIDS OR PROPOSALS HAS EXPIRED;

(D) COMMERCIAL OR FINANCIAL INFORMATION OR TRADE SECRETS VOLUNTARILY PROVIDED TO THE HOUSE OF REPRESENTATIVES;

(E) COMMUNICATIONS, NOTES, AND ELECTRONIC DATA WITHIN THE HOUSE OF REPRESENTATIVES OR BETWEEN THE LEGISLATURE AND OTHER PUBLIC BODIES OF AN ADVISORY NATURE;

(F) INTERNET - USE RECORDS;

(G) MEDICAL, COUNSELING, OR PSYCHOLOGICAL FACTS OR EVALUATIONS CONCERNING AN INDIVIDUAL IF THE INDIVIDUAL'S IDENTITY WOULD BE REVEALED BY A DISCLOSURE OF THOSE FACTS OR EVALUATION, INCLUDING PROTECTED HEALTH INFORMATION, AS DEFINED IN 45 CFR 160.103;

(H) COMMUNICATIONS, INCLUDING ANY RELATED RECORDS OR INFORMATION, BETWEEN A LEGISLATOR OR A LEGISLATOR'S OFFICE AND A CONSTITUENT, OTHER THAN A PERSON REQUIRED TO BE REGISTERED AS A LOBBYIST UNDER 1978 PA 472, MCL 4.411 TO 4.431. FOR THE PURPOSES OF THIS SECTION, "CONSTITUENT" MEANS ANY OF THE FOLLOWING:

(I) AN INDIVIDUAL WHO IS REGISTERED TO VOTE IN THE DISTRICT THE LEGISLATOR IS ELECTED TO REPRESENT.

(II) AN INDIVIDUAL WHO IS A RESIDENT OF THE DISTRICT THE LEGISLATOR IS ELECTED TO REPRESENT AND WHO IS NOT REGISTERED TO VOTE OUTSIDE OF THAT DISTRICT.

(III) AN INDIVIDUAL OTHER THAN AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I) OR (II) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION BE WITH THE LEGISLATOR ELECTED TO REPRESENT THE DISTRICT WHERE HE OR SHE IS REGISTERED TO VOTE OR, IF NOT REGISTERED TO VOTE, RESIDES.

(I) RECORDS OR INFORMATION PERTAINING TO AN ONGOING INTERNAL OR LEGISLATIVE INVESTIGATION;

(J) RECORDS OR INFORMATION RELATING TO A CIVIL ACTION IN WHICH THE HOUSE OF REPRESENTATIVES IS A PARTY UNTIL SUCH LITIGATION OR CLAIM HAS BEEN FINALLY ADJUDICATED OR OTHERWISE SETTLED;

(K) RECORDS OF THE OFFICE OF SERGEANT AT ARMS;

(L) RECORDS OF THE HOUSE OF REPRESENTATIVES' SECURITY MEASURES, INCLUDING SECURITY PLANS, CAPABILITIES, PROCEDURES, MEASURES, PASSWORDS, PASSES, KEYS, AND CODES AND COMBINATIONS;

(M) RECORDS CREATED, PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE MAJORITY OR MINORITY CAUCUSES OF THE HOUSE OF REPRESENTATIVES;

(N) RECORDS CREATED, PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED PRIOR TO JANUARY 1, 2019; AND

(0) ANY OTHER DOCUMENT OR RECORD PROTECTED FROM PUBLIC DISCLOSURE BY AGREEMENT, CONTRACT, HOUSE RULE, LEGISLATIVE PRIVILEGE, OR LAW.

(5) THE HOUSE OF REPRESENTATIVES MAY CHARGE A REASONABLE FEE FOR PROVIDING A COPY OF A PUBLIC RECORD. THE FEE SHALL BE LIMITED TO ACTUAL MAILING COSTS AND TO THE ACTUAL INCREMENTAL COST OF DUPLICATION OR PUBLICATION INCLUDING LABOR, THE COST OF SEARCH, EXAMINATION, REVIEW, AND THE DELETION OF EXEMPT FROM NONEXEMPT INFORMATION. THE FEE SHALL BE CALCULATED IN A MANNER CONSISTENT WITH THE PROVISIONS OF 1976 PA 442, MCL 15.231 TO 15.246.

(6) THE HOUSE OF REPRESENTATIVES MAY ALSO CHARGE A REASONABLE FEE FOR PROVIDING FOR THE INSPECTION OF PUBLIC RECORDS. THIS FEE MAY INCLUDE THE ACTUAL INCREMENTAL COST OF SUPERVISING THE INSPECTION INCLUDING LABOR, THE COST OF SEARCH, EXAMINATION, REVIEW, AND THE DELETION OF EXEMPT FROM NONEXEMPT INFORMATION.

(7) THE HOUSE OF REPRESENTATIVES SHALL RESPOND TO A REQUEST FOR PUBLIC RECORDS WITHIN 5 BUSINESS DAYS BY GRANTING THE REQUEST, ISSUING A WRITTEN NOTICE DENYING THE REQUEST, OR GRANTING THE REQUEST IN PART AND ISSUING A WRITTEN NOTICE DENYING THE REQUEST IN PART. THE HOUSE OF REPRESENTATIVES MAY ISSUE A NOTICE EXTENDING FOR NOT MORE THAN 10 BUSINESS DAYS THE PERIOD DURING WHICH THE HOUSE OF REPRESENTATIVES SHALL RESPOND TO THE REQUEST. THE HOUSE OF REPRESENTATIVES SHALL NOT ISSUE MORE THAN 1 NOTICE OF EXTENSION FOR A PARTICULAR REQUEST."