

# Legislators try to keep public records affordable

BY TIM RICHARD  
STAFF WRITER

The State Chamber of Commerce joined the Michigan Press Association to rescue the Freedom of Information Act from high fees sought by county governments.

"Many state agencies are opening up mountains of information with existing technology," said Richard Studley, senior vice president of the chamber and a Grand Ledge councilman, "but local government is moving in the opposite direction - limited access."

"In a few years, we could end up with two classes of citizens: one, with resources, would have access to information; the other, with limited resources, would have little access," Studley told the House Local Government Committee May 9 in Lansing.

"We stand four-square with Studley," added Bruce McIntyre, representing the Michigan Press Association and chairman of Great Lakes Media.

Rep. Robert Brackenridge, R-St. Joseph, took the advice by splitting up a crippling bill sought by the Michigan Association of Counties into two:

• House Bill 5832 - "Enhanced access," a separate bill allowing counties to recover costs of providing land and court records to such business customers as developers and engineers. Oakland County is in the forefront of this movement, spurred by the Business Roundtable.

Ameritech, the telephone company, hopes to be the contracted vendor.

• House Bill 5726, minor amendments to the Freedom of Information Act. As originally drafted by the Michigan Association of Counties, the bill would have given government copyright over historically public records and narrowed the definition of what could be sold to the public. Critics like Studley and McIntyre said it amounted to a "revenue enhancement" bill, burdening both business and individuals.

On the "enhanced access" bill, Studley asked the panel to narrow the definition of cost recovery to eliminate heating, overhead and maintenance - just allow government to recover the cost of computer hardware and software.

Studley asked the panel to require an annual review of costs because "we expect the cost to decline. We are seeing dramatic changes in technology."

Dawn Phillips, Bloomfield Hills attorney who is general counsel for the Michigan Press Association and many individual newspapers, asked for even narrower definitions of costs that government could charge. Her examples:

• FOIA allows government to make a search charge equal to the wage of the lowest-paid local employee. House Bill 5726 allows a charge for the lowest-paid employee "capable of complying with a request" for information. That, she said, would allow government to charge attorney's fees.

• HB 5726 allows government to charge rental fees of \$25 to \$100 an hour for public use of computers.

"I'm troubled at the \$100 an hour fee," Phillips said. "It's one thing if I bill it to my clients, another if I write a personal check. The cost of receiving information has been rising. We're getting bills of \$50 to \$75 under the present act."

Mark Grebner, an East Lansing attorney and political consultant, agreed with the intent of the FOIA amendment. "The current FOIA is silent on recovering costs for tying up expensive equipment. We have created an antagonistic situation where a public body disguises its fees."

Brackenridge didn't take a committee vote but assigned staff to work with the groups on further amendments. Brackenridge said the panel has three goals:

• To give authority for enhanced access to records.

• Prevent enhanced access from inhibiting the Freedom of Information Act. "We did not want local units of government to use enhanced access to block FOIA."

• Widen the availability of public information. "We agree it should be at a reasonable cost, but not a revenue vehicle for local government," he said.

## Drivers from 8A

BY TIM RICHARD  
STAFF WRITER

The state House of Representatives slammed the door on a Senate plan to use state school aid in private driving schools.

"I wanted a clear vote on the voucher plan," said Rep. Maxine Berman, D-Southfield. She feared the Senate plan would open further the door to using state aid for private schools - currently prohibited by the Michigan Constitution but sought by religious groups.

The House voted 76-28 to strip the driver training bill of most Senate amendments.

House Bill 4783, sponsored by Rep. Dan Gustafson, R-Williamston, would toughen teen driving requirements by setting up a three-tier system of training and road experience.

Because House and Senate versions differ so greatly, the bill goes to a joint House-Senate conference committee, where Gustafson is expected to hang tough against Senate amendments.

Here is how area representatives voted May 7 on removing the Senate amendment to let students have \$100 vouchers to use in private schools instead of public school driver's ed:

Yes - Berman, Shirley Johnson, R-Royal Oak, David Gubow, D-Huntington Woods.

No - Willis Bullard, R-Milford, Penny Crissman, R-Rochester, Jan Dolan, R-Farmington Hills, John Jamian, R-Bloomfield Township, Greg Kaza, R-Rochester Hills, Tom Middleton, R-Orionville. Debate was brief as the House took up the question of

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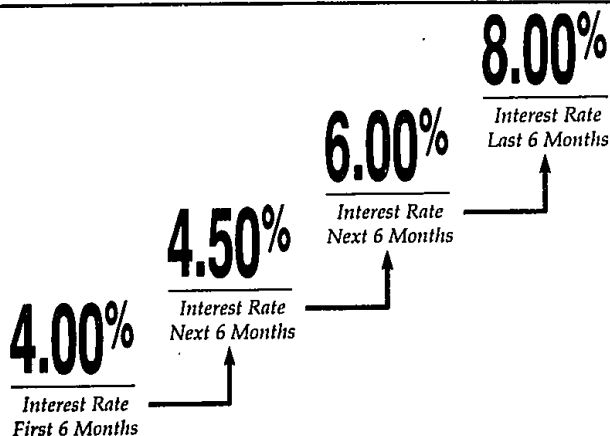
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