



**February 22, 2016**

**To: House Natural Resources Committee Members:**

**Andrea LaFontaine (R) Committee Chair, 32nd District,  
Bruce Rendon (R) Majority Vice-Chair, 103rd District,  
Anthony Forlini (R) 24th District,  
Ken Goike (R) 33rd District,  
Lisa Posthumus Lyons (R) 86th District,  
Ed McBroom (R) 108th District,  
John Kivela (D) Minority Vice-Chair, 109th District,  
Charles Smiley (D) 50th District  
and Julie Plawecki (D) 11th District**

**From: Jane Briggs-Bunting, Michigan Coalition for Open Government**

**RE: HB 4540**

Please accept this letter as our testimony in re: HB 4540.

After another review of several substitute versions of HB 4540, the Michigan Coalition for Open Government continues to believe that this proposed change to the state Freedom of Information Act would harm the people of Michigan as well as the environmental interests of both the state and its citizens.

The bill shields from public disclosure any information voluntarily submitted to the Michigan Agency for Energy that the submitter decides should not be disclosed. This is a total perversion of the purpose and intent of the Michigan FOIA. Citizens cannot monitor the effectiveness and efficiencies of state departments dealing with critical infrastructures if the businesses themselves can shield public access to information about them by simply including the wording "do not disclose."

The lead crisis in Flint's water is a tragic example of letting state (and federal) agencies decide what should and should not be disclosed. This legislation would similarly allow, in this case, private entities to make the sole determination that certain information remains secret. For that position to be reversed, the Michigan Agency for Energy would have to consult with four other state departments and the private company itself before making a final determination. This would create a bureaucratic delay that could take months even years to resolve. The outcome: this proposed change to the state's FOIA would hide vital information already protected under existing provisions in the FOIA's Section 13(y).

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Further U.S. law, 6 § 131 already provides ample protections on critical infrastructure protections.

We urge the House Natural Resources Committee members to take a stand for the good and welfare of the people of Michigan by denying private industry the power to unilaterally hide information from the citizens of the state by permanently deferring or rejecting HB 4540.

The Michigan Coalition for Open Government is a tax exempt, Michigan nonprofit corporation founded to promote and protect transparency and accountability in the governments of the people, by the people and for the people at the local, state and federal levels.

Thank you for listening to our concerns on HB 4540.

Sincerely,

A handwritten signature in black ink that reads "Jane Briggs-Bunting". The signature is fluid and cursive, with a large loop at the beginning and a sharp end.

Jane Briggs-Bunting  
President  
MiCOG  
jbb@miopengov.org

cc: [Joy Brewer](#), Committee Clerk  
517-373-8474

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