

Legislative Analysis



EXPAND “PUBLIC BODY” IN OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5802 as introduced
Sponsor: Rep. Steven Johnson

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5803 as introduced
Sponsor: Rep. Cynthia A. Johnson

Committee: Oversight
Complete to 3-16-22

SUMMARY:

House Bill 5802 would amend the Open Meetings Act to include in that act’s definition of “public body” the board or other governing body of either of the following:

- An art services provider that receives proceeds of a tax levied under the Art Institute Authorities Act (e.g., the Detroit Institute of Arts).
- An accredited zoological institution that receives proceeds of a tax levied under the Zoological Authorities Act (e.g., the Detroit Zoo).

House Bill 5803 would amend the Freedom of Information Act (FOIA) to include either of those entities or their boards or other governing bodies in that act’s definition of “public body.”

In addition, House Bill 5802 would revise the definition of “meeting” in the Open Meetings Act to include either of the entities described above.

MCL 15.262 (HB 5802)
MCL 15.232 (HB 5803)

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government but could result in minimal administrative and implementation costs to accredited zoos, aquariums, and art institute service providers. Being subject to FOIA requirements, these entities would be required to designate a FIOA coordinator to respond to and fulfil FOIA requests thereby requiring additional personnel service hours. The labor required of a FIOA coordinator would be dependent upon the size, complexity, and sensitivity of the information sought. These entities would not likely require any additional personnel to serve as a FIOA coordinator. Other costs related to fulfilling a FIOA request would be offset by charging fees that correspond to the actual cost of labor, materials, and postage.

The entities would also be required by the Open Meetings Act to be able to conduct meetings with absent members that “permits two-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard my members of the public body and other participants during a public comment period.” The entities would be subject to some

additional marginal costs if they do not already have devices equipped to provide this capability and would need to purchase new equipment.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.