



Senate Fiscal Agency
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Senate Bills 818 and 819 (as introduced 1-18-22)
Sponsor: Senator Jim Runestad (S.B. 818)
Senator Ruth Johnson (S.B. 819)
Committee: Oversight

Date Completed: 5-9-22

CONTENT

Senate Bill 818 would amend the Open Meetings Act to include in the definition of "meeting" any meeting of a board of certain art institute services providers and accredited zoological institutions and to include in the definition of "public body" certain art institute services providers and accredited zoological institutions.

Senate Bill 819 would amend the Freedom of Information Act (FOIA) to include in the definition of "public body" certain art institute services providers and accredited zoological institutions.

Senate Bill 818

The Open Meetings Act requires all meetings of a public body must be open to the public and must be held in a place available to the general public.

"Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under the Home Rule City Act.

Under the bill, the term also would mean any meeting of the board or other governing body of either of the following:

- An art institute services provider that receives proceeds of a tax levied under the Art Institute Authorities Act.
- An accredited zoological institution that receives proceeds of a tax levied under the Zoological Authorities Act.

"Public body" means any State or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by State Constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under the Home Rule City Act.

Under the bill, the term also would include the board or other governing body of either of the following:

- An art institute services provider that receives proceeds of a tax levied under the Art Institute Authorities Act.
- An accredited zoological institution that receives proceeds of a tax levied under the Zoological Authorities Act.

Senate Bill 819

Under FOIA, except as otherwise provided, after providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body.

"Public body" means any of the following:

- A State officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the State government, but does not include the Governor or Lieutenant Governor, the executive offices of the Governor or Lieutenant Governor, or employees thereof.
- An agency, board, commission, or council in the legislative branch of the State government.
- A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.
- Any other body that is created by State or local authority or is primarily funded by or through State or local authority, but does not include the judiciary, including the office of the county clerk and its employees when acting in the capacity of the clerk to the court to the circuit court.

The bill would include in the definition of "public body" both of the following:

- An art institute services provider that receives proceeds of a tax levied under the Art Institute Authorities Act.
- An accredited zoological institution that receives proceeds of a tax levied under the Zoological Authorities Act.

MCL 15.262

BACKGROUND

Art Institute Services Provider

The Art Institute Authorities Act allows any county to form an art institute authority. An art institute authority may levy a tax of not more than 0.2 mills for a period of not more than 20 years on all of the taxable property within a county for the purpose of providing revenue to an art institute services provider that will be used exclusively for the benefit of the art institute with respect to which the art institute services provider renders services. "Art institute services provider" means a nonprofit entity qualified under Section 501(c)(3) of the Internal Revenue Code that, as its primary purpose, provides art institute services to an art institute.

An authority may levy the tax only if a majority of the electors in the county voting on the tax at a statewide general or primary election approve the tax. The proposal for a tax must be submitted to a vote of the electors of the authority by resolution of the board.

Accredited Zoological Institution

The Zoological Authorities Act allows any county to form a zoological authority. A zoological authority may levy a tax of not more than 0.2 mills for a period of not more than 20 years on all of the taxable property within a county for the purpose of providing revenue to an accredited zoological institution that is an accredited zoological institution as of the date of the electors' approval of the levy. "Accredited zoological institution" means an institution located in Michigan that is accredited by the Association of Zoos and Aquariums.

The authority may levy the tax only if a majority of the electors in the county voting on the tax at a statewide general or primary election approve the tax. The proposal for a tax must be submitted to a vote of the electors of the authority by resolution of the board.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.