

Legislative Analysis



TAX TRIBUNAL ACT DISCLOSURE EXEMPTION

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

House Bill 5697 as introduced
Sponsor: Rep. Julie Calley
Committee: Local Government and Municipal Finance
Complete to 10-5-22

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

SUMMARY:

House Bill 5697 would amend the Tax Tribunal Act to allow Michigan Tax Tribunal hearings that involve commercial trade secrets to be exempt from Open Meeting Act and Freedom of Information Act (FOIA) disclosure requirements.

The Tax Tribunal Act generally requires tribunal proceedings to be officially reported, and all evidence, testimony, and other materials must be made available to the public in compliance with the Freedom of Information Act. All hearings must generally be held in accordance with the Administrative Procedures Act and the Open Meetings Act.

The bill would add a new provision to the act that would exempt trade secrets and other confidential information or testimony from FOIA disclosure and would allow qualifying tribunal hearings to be held in a closed session. Notwithstanding any other provision of the act, if a party establishes that certain evidence (including testimony, information, or other records) contains trade secrets or other personal, research, development, or commercial information that has been kept confidential and not part of the public domain, then the tribunal would have to grant a protective order that keeps the information confidential. The information would be exempt from disclosure under the state Freedom of Information Act.

Any hearing at which the information is submitted would have to be held in a closed session in accordance with the Open Meetings Act.

MCL 205.746

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

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