

HOUSE BILL NO. 5697

January 26, 2022, Introduced by Rep. Calley and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1973 PA 186, entitled
"Tax tribunal act,"
by amending section 46 (MCL 205.746).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. (1) In a proceeding before the tribunal, all parties
2 may submit evidence. The tribunal shall make its decision in
3 writing. The tribunal may admit and give probative effect to
4 evidence of a type commonly relied upon by reasonably prudent ~~men~~
5 **persons** in the conduct of their affairs. Irrelevant, immaterial, or
6 unduly repetitious evidence may be excluded. Effect ~~shall~~**must** be

1 given to the rules of privilege recognized by law. An objection to
2 an offer of evidence may be made.

3 (2) A proceeding before the tribunal ~~shall~~**must** be officially
4 reported. ~~A-Except as provided in subsection (3), a~~ writing
5 prepared, owned, used, in the possession of, or retained by the
6 tribunal in the performance of an official function ~~shall~~**must** be
7 made available to the public in compliance with ~~Act No. 442 of the~~
8 ~~Public Acts of 1976, being sections 15.231 to 15.247 of the~~
9 ~~Michigan Compiled Laws.~~**the freedom of information act, 1976 PA**
10 **442, MCL 15.231 to 15.246.** Costs assessed for transcripts ~~shall~~
11 **must** be collected by the clerk and paid into a revolving fund to be
12 used solely to defray the costs of preparing transcripts.

13 (3) Notwithstanding any other provision of this act, if a
14 party to a proceeding establishes by affidavit or other evidence
15 that anything offered into evidence, including, but not limited to,
16 any testimony, information, or record offered into evidence,
17 contains a trade secret or other personal, research, development,
18 or commercial information that has been kept confidential and has
19 not become part of the public domain, all of the following apply:

20 (a) Upon motion of the party, the tribunal shall grant a
21 protective order to keep the information confidential and out of
22 the public domain.

23 (b) The information and any record containing the information,
24 including any transcript of testimony containing the information,
25 are exempt from disclosure under section 13(1)(d) of the freedom of
26 information act, 1976 PA 442, MCL 15.243.

27 (c) Any hearing at which the information or any record
28 containing the information is submitted, if otherwise required to
29 be open to the public under the open meetings act, 1976 PA 267, MCL

1 15.261 to 15.275, must be held in closed session in accordance with
2 section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268.