



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 669 and 670 (Substitute S-1 as reported)
Sponsor: Senator Jeremy Moss (S.B. 669)
 Senator Ed McBroom (S.B. 670)
Committee: Oversight

CONTENT

Senate Bill 669 (S-1) would amend the Freedom of Information Act (FOIA) to add and modify definitions as used in Senate Bill 670 (S-1), specifically modifying the term "public body" to include the Legislature and the Executive Office of the Governor or Lieutenant Governor (EOG).

Senate Bill 670 (S-1) would amend FOIA do the following:

- Require the Senate Majority Leader and the Speaker of the House to designate a FOIA coordinator for the Senate and House of Representatives, respectively.
- Prescribe the process for making an appeal to the Legislature upon the denial of a FOIA request by the Legislature.
- Apply current FOIA exemptions to public records of the EOG and the Legislature.
- Prescribe additional FOIA exemptions to public records of the EOG, such as records concerning executive privileges and records created before the bill's effective date, among other records.
- Prescribe additional disclosure exemptions to public records of the Legislature, such as records of communications with constituents and records concerning internal investigations, among other records.

The bills are tie-barred, and each bill would take effect on January 1 of the first odd-numbered year that begins six months after its enactment.

MCL 15.232 (S.B. 669)
15.236 et al. (S.B. 670)

BRIEF RATIONALE

Generally, FOIA provides public access to certain requested records of public bodies. Some believe that members of the Legislature and the EOG are not transparent enough under current FOIA exemptions. Accordingly, it has been suggested that the Legislature and the EOG be considered public bodies under FOIA to allow the public to hold these offices to certain standards of accountability.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 669 (S-1) would have no fiscal impact on State or local government.

Senate Bill 670 (S-1) would not have a significant fiscal impact on the State and would have no fiscal impact for local units of government. The bill's requirement for the EOG and the Legislature to comply with FOIA requests and to designate a FOIA coordinator could require the EOG and the Legislature to hire additional staff. The average salary for a classified State employee in Fiscal Year 2022-23 (for comparison purposes as Executive and Legislative employees are at-will employees) was \$145,000 for salary and benefits.

Date Completed: 3-14-24

Fiscal Analyst: Joe Carrasco, Jr.

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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.