

# Legislative Analysis



## **OPEN MEETINGS: PHYSICAL PRESENCE REQUIRED FOR VOTE BY MEMBERS OF ELECTED PUBLIC BODY**

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

**House Bill 4182 (reported from committee as H-2)**

**Sponsor: Rep. Amanda Price**

**Committee: Oversight and Ethics**

**Complete to 5-6-15**

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

### **SUMMARY:**

The bill would amend the Open Meetings Act. The act currently says, "All decisions of a public body shall be made at a meeting open to the public." House Bill 4182 would specify that for a decision of a public body consisting only of elected members to be considered to have been made at a meeting "open to the public," each member who voted must have been physically present when casting a vote. This would not apply to an emergency session under the statute.

[Generally speaking, it is understood that members of a public body currently can participate in meetings of public bodies by teleconferencing, interactive television, and similar means. An Attorney General opinion and a state Court of Appeals decision have allowed this in certain cases.]

The substitute version of the bill differs from the "as introduced" version in that it applies only to public bodies with elected member rather than all public bodies.

The bill also makes a number of technical amendments that would (1) replace references to the Worker's Compensation Appeal Board and to the Employment Security Board of Review with references to the Michigan Compensation Appellate Commission; (2) remove a reference to a health care arbitration panel under now-repealed Chapter 50A of the Revised Judicature Act; and (3) make other non-substantive updates to statutory references. The bill would take effect 90 days after being enacted.

MCL 15.263

### **FISCAL IMPACT:**

The bill does not appear to have any fiscal impact on the state.

### **POSITIONS:**

According to committee minutes:

Representatives of the Michigan Municipal League indicated support for the bill. (3-26-15)

The following indicated opposition: the Michigan Townships Association, the Michigan Association of School Boards, the Michigan Community College Association, and the Michigan Association of Counties. (3-26-15 & 4-23-15)

Legislative Analyst: Chris Couch  
Fiscal Analyst: Robin Risko

---

■ 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.