



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4182 (Substitute S-1 as reported)
Sponsor: Representative Amanda Price
House Committee: Oversight and Ethics
Senate Committee: Elections and Government Reform

CONTENT

The bill would amend the Open Meetings Act to require the physical presence of each member of an elected public body who was voting on an issue, subject to several exceptions.

The Act requires all meetings of a public body to be open to the public, and requires all decisions of a public body to be made at a meeting open to the public.

Under the bill, for a decision of a public body consisting only of elected members to be considered to be made at a meeting open to the public, each member of the public body who voted on the issue would have to be physically present when casting his or her vote. This would not apply to an emergency session conducted in compliance with Section 5(5) of the Act or to a meeting to address critical personnel or infrastructure issues, if a delay could result in unnecessary or increased costs or liability to a local unit of government. The physical presence requirement also would not apply to an elected member who was called for military duty.

(Section 5(5) generally allows a public body to meet in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.)

The bill would take effect 90 days after its enactment.

MCL 15.263

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would tend to increase the costs of elected State and local bodies by an unknown amount, which would vary based on the circumstances and practices of each elected public body. If the option of voting by telephone were no longer available except in limited circumstances, it could be more difficult to obtain a quorum to conduct business. Local governments with elected boards, commissions, or councils that would be affected by the bill include counties, cities, villages, townships, school districts, community colleges, and several intermediate school districts, including some with multicounty jurisdictions. State elected boards are the University of Michigan Board of Regents, the Michigan State University Board of Trustees, and the Wayne State University Board of Governors.

Date Completed: 9-25-15

Fiscal Analyst: Elizabeth Pratt