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BILL



ANALYSIS

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House Bill 4182 (Substitute H-2 as passed by the House)  
Sponsor: Representative Amanda Price  
House Committee: Oversight and Ethics  
Senate Committee: Elections and Government Reform

Date Completed: 6-29-15

## **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.**

The Act requires all meetings of a public body to be open to the public. Subject to certain exceptions, all deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public. In addition, all decisions of a public body must 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.

(Section 5 contains public notice requirements for meetings of a public body. Subsection 5 states that nothing in the section bars a public body from meeting in 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. Specific notice requirements apply if a public body meets in an emergency session.)

The bill would take effect on the 91<sup>st</sup> day after its enactment.

(The Act defines "public body" as any State or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by the State Constitution or by statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to a lease agreement; or the board of a nonprofit corporation formed by a city under the Home Rule City Act.

"Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under the Home Rule City Act. "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.)

## **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, 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.

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