

# Legislative Analysis



## OPEN MEETINGS ACT: REQUIRE CERTAIN MEETINGS TO BE RECORDED

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

**House Bill 4148 as introduced**  
**Sponsor: Rep. John D. Cherry**  
**Committee: Oversight**  
**Complete to 4-24-19**

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

### SUMMARY:

House Bill 4148 would add a new section to the Open Meetings Act to require a public body that is a rule-making agency under the Administrative Procedures Act to produce recordings of all of its meetings that are required to be open to the public. The recordings, which could be audio or an audio and video recording, would have to be made available to the public on the entity's website. If the entity had no website, the recordings would have to be posted on the website of the state department in which the entity is located.

Proposed MCL 15.269a

### BACKGROUND INFORMATION:

"Agency" is defined under the Administrative Procedures Act to mean a state department, bureau, division, section, board, commission, trustee, authority or officer, created by the constitution, statute, or agency action. The term does not include an agency in the legislative or judicial branch of state government, the governor, an agency having direct governing control over an institution of higher education, the state civil service commission, or an association of insurers created under the Insurance Code or other association or facility formed under that act as a nonprofit organization of insurer members.

State agencies write rules under authority granted by state statute, the Administrative Procedures Act, the state constitution, and applicable federal law.

The Administrative Procedures Act defines "rule" to mean an agency regulation, statement, standard, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency. This includes the amendment, suspension, or rescission of the law enforced or administered by the agency.

### FISCAL IMPACT:

The bill would have no significant fiscal impact on state or local units of government.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Michael Cnossen

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