



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



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

Senate Bill 1246 (as introduced 12-3-20)
Sponsor: Senator Lana Theis
Committee: Committee of the Whole

Date Completed: 12-9-20

CONTENT

The bill would amend the Open Meetings Act to do the following:

- **Refer to "local chief administrative officer" instead of "local official or local governing body" in a provision that requires a public body to establish procedures to accommodate the absence of a member of a public body because of a statewide or local state of emergency or state of disaster.**
- **Extend, from January 1, 2021, to March 31, 2021, certain dates pertaining to a meeting of a public body held electronically.**

The Act requires all decisions of a public body to be made at a meeting open to the public. Generally, for purposes of a meeting open to the public, the public body, subject to Section 3a, must establish procedures to accommodate the absence of a member of the public body because of military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared under law or charter by the Governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person. Under the bill, this would apply to a state of emergency or state of disaster declared under a local ordinance. In addition, where the Act refers to a *local official or local governing body*, the bill would refer to a *local chief administrative officer*.

Under Section 3a, a meeting of a public body held, in whole or in part, electronically by telephonic or video conferencing in compliance with Section 3a and, except as otherwise required in Section 3a, all of the provisions of the Act applicable to a nonelectronic meeting, is permitted by the Act in the following circumstances:

- Before January 1, 2021, and retroactive to March 18, 2020, any circumstances, including any of the circumstances requiring accommodation of members absent because of military duty, a medical condition, or a statewide or local state of emergency or state of disaster.
- On and after January 1, 2021, through December 31, 2021, only those circumstances requiring accommodation of members absent because of military duty, a medical condition, or a statewide or local state of emergency or state of disaster, and only under the conditions specified in the Act.
- After December 31, 2021, only in the circumstances requiring accommodation of members absent because of military duty.

Under the bill, where Act refers to January 1, 2021, the bill would refer to March 31, 2021.

MCL 15.263 & 15.263a

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal on State and local government. Under the bill, all meetings of a public body held electronically would have to make available to absent members and the public the ability for members and the public to participate in those meetings via two-way communication. Any costs associated with the public body making this communication available would be the public body's responsibility. The costs are indeterminate and would depend on the extent to which the public body had to purchase any hardware or software necessary to comply with the bill's requirements. However, a public body would be exempt from providing two-way communication to a member of a public body who was absent due to military duty if doing so were not feasible under the circumstances.

Fiscal Analyst: Ryan Bergan
Joe Carrasco

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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.