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BILL ANALYSIS



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House Bill 5459 (Substitute H-3 as reported without amendment)

Sponsor: Representative Paul Opsommer

House Committee: Oversight, Reform, and Ethics

Senate Committee: Government Operations

CONTENT

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

- Specify posting requirements for the notice of a special meeting or a rescheduled regular meeting.
- Establish notice requirements for an emergency public meeting.

The Act requires a public body to post notice of a special meeting or a rescheduled regular meeting at least 18 hours before the meeting. The bill would require this notice to be posted in a prominent and conspicuous place at the public body's principal office. If the public body directly or indirectly maintained an official internet presence that included monthly or more frequent updates of public meeting agendas or minutes, the notice also would have to be posted on a portion of the website that was fully accessible to the public.

If a public body held an emergency public meeting that did not comply with the 18-hour notice requirement, it would have to make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice would have to explain why the public body could not comply with the 18-hour notice requirement. This explanation would have to be specific to the circumstances that necessitated the emergency meeting, and the use of generalized explanations would not meet this requirement.

If the public body maintained an official internet presence that included monthly or more frequent updates of public meeting agendas or minutes, it would have to post the public notice of the emergency meeting and its explanation on the website in the manner described for an internet posting of a special meeting or a rescheduled regular meeting.

Within 48 hours after the emergency public meeting, the public body would have to send official correspondence to the board of county commissioners of the county where the public body was principally located, informing the board that an emergency meeting with less than 18 hours' public notice had taken place.

MCL 15.265

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-23-12

Fiscal Analyst: David Zin