

Legislative Analysis



OPEN MEETINGS: PHYSICAL PRESENCE REQUIRED FOR VOTE BY MEMBERS OF ELECTED PUBLIC BODY

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

House Bill 4184 as introduced
Sponsor: Rep. Lana Theis
Committee: Oversight
Complete to 3-15-17

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

SUMMARY:

The bill would amend the Open Meetings Act. The act currently says, "All decisions of a public body shall be made at a meeting open to the public."

House Bill 4184 would specify that for a decision of a public body to be made at a meeting "open to the public," each member who voted must be physically present when casting a vote. This would only apply to a public body that consists only of elected members. However, the following exceptions would apply:

- The provision would not apply to an emergency session under the statute 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 requirement to be physically present to vote does not apply to an elected member called for military duty.
- The requirement to be physically present to vote could be waived by the elective body for one meeting each year for each member if all of the following conditions are met: (1) the vote is cast through a video conferencing system; and (2) the absence is for good cause, including, but not limited, to a serious illness of the member or in the member's family or a death in the family.

[Note: Generally speaking, it is understood that members of a public body currently can participate in meetings of public bodies by teleconferencing, interactive television, and similar means. An Attorney General opinion and a state Court of Appeals decision have allowed this in certain cases.]

The bill also makes a number of technical amendments that would (1) replace references to the Worker's Compensation Appeal Board and to the Employment Security Board of Review with references to the Michigan Compensation Appellate Commission; (2) remove a reference to a health care arbitration panel under now-repealed Chapter 50A of the Revised Judicature Act; and (3) make other non-substantive updates to statutory references. The bill would take effect 90 days after being enacted.

MCL 15.263

FISCAL IMPACT:

The bill does not appear to have a significant fiscal impact.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.