

# Legislative Analysis

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

Phone: (517) 373-8080  
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**House Bill 4184 (reported from committee as H-1)**

**Sponsor: Rep. Lana Theis**

**Committee: Oversight**

**Complete to 5-22-17**

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

### BACKGROUND:

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.]

### 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 considered made at a meeting "open to the public," each member who votes must be physically present when casting a vote. This would only apply to a public body that consists entirely 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.

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.

**POSITIONS:**

According to committee minutes:

The Michigan Municipal League supports the bill. (3-16-17)

The Michigan Townships Association is neutral on the bill. (3-32-17)

The Michigan Association of School Boards is opposed to the bill. (4-27-17)

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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.