

ELECTRONIC MEETINGS OF COMMODITY GROUPS

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House Bill 4603 as introduced
Sponsor: Rep. Joseph N. Bellino, Jr.
Committee: Agriculture
Complete to 5-4-21

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

SUMMARY:

House Bill 4603 would amend the Open Meetings Act to allow agricultural commodity groups to meet electronically by telephone or video conferencing without violating the act.

The Open Meetings Act generally requires all meetings of a public body to be open to the public and held in a place available to the public, and all decisions of a public body must be made at a meeting open to the public. The act defines “public body” as any of the following:

- A state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function.
- A lessee of a body described above that is performing an essential public purpose and function under the lease agreement.
- The board of a nonprofit corporation formed by a city under section 40 of the Home Rule City Act.

In response to the COVID-19 pandemic, the act was amended by 2020 PAs 228 and 254 to allow meetings of a public body to be held electronically or with remote participation under certain circumstances. A public body must establish procedures (which can include holding the meeting or elements of the meeting electronically or by telephone or video conferencing) in order to accommodate the absence of one of its members due to any of the following:

- Military duty.
- A medical condition. (This provision will no longer apply beginning January 1, 2022.)
- A statewide or local state of disaster or state of emergency declared by the governor or certain local officials that would risk the personal health or safety of members of the public body or the public if the meeting were held in person. (This provision will no longer apply beginning January 1, 2022.)

At a meeting held electronically to accommodate a member absent due to military duty or a medical condition, only that member can participate remotely. During a local state of disaster or emergency, a meeting may be held electronically only to allow the electronic attendance of a member who lives in the affected area or to allow the electronic meeting of a public body that usually holds its meetings there.

Under the bill, beginning March 31, 2021, a public body that is an ***agricultural commodity group*** could hold a meeting electronically or by telephone or video conferencing for any circumstances, including those described above.

Agricultural commodity group would mean any of the following:¹

- A committee as defined in the Agricultural Commodities Marketing Act. This would include all of the following entities:
 - The Michigan Apple Committee.
 - The Michigan Asparagus Marketing Advisory Board.
 - The Michigan Blueberry Commission.
 - The Michigan Carrot Commission.
 - The Michigan Cherry Committee.
 - The Michigan Corn Marketing Program Committee.
 - The Michigan Dairy Marketing Program Committee.
 - The Michigan Onion Committee.
 - The Michigan Soybean Committee.
 - The Michigan Tree Fruit Commission.
 - The Michigan Wheat Promotion Committee.
- The Michigan Beef Industry Commission created under the Beef Industry Commission Act.
- The Michigan Potato Industry Commission created under 1970 PA 29.
- The Michigan Bean Commission created under 1965 PA 114.

MCL 15.263a

FISCAL IMPACT:

A fiscal analysis is in progress.

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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.

¹ See https://www.michigan.gov/mdard/0,4610,7-125-1572_2885_93088---,00.html