

## ELECTRONIC MEETINGS OF CERTAIN PUBLIC BODIES

Phone: (517) 373-8080  
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**House Bill 4693 (proposed substitute H-3)**

**Sponsor: Rep. John Fitzgerald**

**Committee: Local Government and Municipal Finance**

**Complete to 12-11-24**

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

### SUMMARY:

House Bill 4693 would amend the Open Meetings Act to allow a public meeting to hold electronic meetings if the body does not directly levy taxes and is made up of members who are not elected or compensated to serve on the body, or during a declared state of disaster or emergency.

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.

Except for an agricultural commodity group, a joint agency, or a public body responsible for the management of a municipal public employee retirement system, which can hold a meeting electronically (in whole or in part) for any reason,<sup>1</sup> the act allows meetings of a public body to be held electronically or with remote participation only to accommodate the absence of one of its members due to military duty, and then only that member may participate remotely.

House Bill 4693 would amend the above provisions to allow a public body to meet electronically under any circumstances if the following conditions are met:

- No member of the public body is directly elected by the voters to serve on the body.
- No member receives compensation for their service. (Payment authorized by a public body to reimburse a member for reasonable expenses incurred in serving on the body, such as a per diem, would not be considered compensation for purposes of the bill.)
- The body is not legally authorized to directly raise revenue by imposing any tax, millage, assessment, or fee on persons, property, or transactions within its jurisdiction.<sup>2</sup>

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<sup>1</sup> See <https://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-4603-FA690029.pdf> and <http://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-4346-5E526AD6.pdf>.

<sup>2</sup> A public body’s receipt of one-time funding from another governmental entity, including the state or federal government, would not disqualify it from being able to meet remotely under these provisions.

The bill would also allow a public body to meet electronically during a declared statewide or local state of emergency or state of disaster to allow the electronic attendance of a member who lives in the affected area or to allow for the electronic meeting of a body that usually holds its meetings in the affected area. The public body would have to establish procedures that do all of the following:

- Allow absent members to participate in, and vote on, business before the public body and include procedures for two-way communication.
- Provide a way to notify the public of a member's absence and let them know how to contact that member before the meeting to give input on anything that will come before the public body.
- Require a member attending remotely to specify the county, city, township, or village and state where they are physically located.

MCL 15.263a

## **BACKGROUND:**

In addition to other requirements for meetings held under the Open Meetings Act, meetings held electronically must be conducted in a way that allows for two-way communication so that members of the public body can hear one another, public participants can hear the members, and the members of the public body and other public participants can hear public participants during a public comment period. A public body can use technology to allow for typed comments to be submitted by public participants and read to or shared with the members of the public body and other public participants. A public body cannot require a person to register or provide his or her name or other information as a condition of participating in or attending an electronic meeting, except for mechanisms established and required by the public body that are necessary to allow the person to participate in a public comment period.

The public body must post advance notice of a meeting held electronically in a publicly accessible place on its website, if it has an active official internet presence, at least 18 hours before the meeting starts. The notice must include explanations of why the public body is meeting electronically and how members of the public can participate in the meeting, how members of the public can contact members of the public body, and how persons with disabilities can participate in the meeting. If there is an agenda for the meeting, it must be made available to the public at least two hours before the start of the meeting.

## **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: Holly Kuhn  
Fiscal Analyst: Michael Cnossen

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