



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 633 (as introduced 9-9-21)
Sponsor: Senator Ed McBroom
Committee: Oversight

Date Completed: 9-21-21

CONTENT

The bill would amend the Open Meetings Act to allow, on and after the bill's effective date, a joint agency formed under Article 3 of the Michigan Energy Employment Act to hold a public meeting electronically or telephonically under any circumstances.

The Open Meetings Act requires all meetings of a public body to be open to the public and to be held in a place available to the general public. All decisions of a public body must be made at a meeting open to the public. The Act allows a meeting of a public body to be held, in whole or in part, electronically by telephonic or video conferencing as prescribed by the Act under the following circumstances:

- On and after March 31, 2021, through December 31, 2021, only under those circumstances requiring accommodation of members absent because of military duty, a medical condition, or a statewide or local state of emergency or state of disaster.
- After December 31, 2021, only under circumstances requiring accommodation of members absent because of military duty.
- On and after March 31, 2021, for an agricultural commodity group, under any circumstances.

Under the bill, on and after the bill's effective date, a public body that was a joint agency formed under Article 3 of the Michigan Energy Employment Act could hold a meeting, in whole or in part, electronically by telephonic or video conferencing under any circumstances, including any circumstances requiring accommodation of a member absent because of military duty, a medical condition, or a statewide or local state of emergency or state of disaster. As used in this provision, "joint agency" would include a joint agency's board of commissioners and any committee of the joint agency.

(Under Article 3 of the Michigan Energy Employment Act, a joint agency is formed when the governing bodies of two or more municipalities by resolution determine that it is in the best interest of the municipalities in accomplishing the purposes of that Act to create a joint agency to undertake the planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment, operation, or maintenance of a project or projects to supply electric power and energy for their present or future needs as an alternative or supplemental method of obtaining the benefits and assuming the responsibilities of ownership in a project.)

MCL 15.263a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on the State and could have a negative fiscal impact on local government. The bill would allow joint agencies to conduct meetings electronically, in whole or in part. Under the Act, all meetings of a public body held electronically must make available to absent members and the public the ability for members and the public to participate in those meetings via two-way communication. Any costs associated with the public body making this communication available are the public body's responsibility. The costs are indeterminate and would depend on the extent to which the public body had to purchase any hardware or software necessary to comply with the bill's requirements. The language of the bill is permissive, meaning any potential costs would depend on whether a joint agency chose to hold meetings electronically.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.