

Legislative Analysis



ELECTRONIC MEETINGS OF COMMODITY GROUPS

Phone: (517) 373-8080
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House Bill 4603 as reported from committee

Sponsor: Rep. Joseph N. Bellino, Jr.

Committee: Agriculture

Complete to 5-19-21

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

(Enacted as Public Act 54 of 2021)

BRIEF SUMMARY: House Bill 4603 would amend the Open Meetings Act to allow agricultural commodity groups to meet electronically by telephone or video conferencing.

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

THE APPARENT PROBLEM:

COVID-19 has presented many challenges for Michiganders, including how to conduct meetings involving people who may not be able to meet in person. Fortunately, technology now enables groups to meet electronically by telephone or video conferencing. Although these platforms were originally widely used in response to the COVID-19 pandemic, they also have broader uses in ordinary life. One use that many feel would be beneficial is to enable agricultural commodity groups to meet virtually. However, meeting electronically by telephone or video conferencing is a violation of the Open Meetings Act for these public bodies. The bill proposes to create an exception for agricultural commodity groups to allow them to meet electronically by telephone or video conferencing without violating the act.

THE CONTENT OF THE BILL:

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.

Additionally, the act allows 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) to accommodate the absence of one of its members due to any of the following:

- Military duty.
- A medical condition. (This provision does not apply after December 31, 2021.)
- 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 does not apply after December 31, 2021.)

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 for the electronic meeting of a public body that usually holds its meetings in the affected area.

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 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.²
- The Michigan Potato Industry Commission created under 1970 PA 29.³
- The Michigan Bean Commission created under 1965 PA 114.⁴

MCL 15.263a

ARGUMENTS:

For:

The agricultural commodity groups described above are made up of individuals from all over Michigan. Many of these individuals are also farmers, with demanding schedules during growing seasons. Additionally, Michigan winters can be treacherous, making travel during those months dangerous. As a result, gathering in a central location to conduct meeting business, which can sometimes last five minutes or less, is often difficult. Allowing these groups to meet electronically will eliminate the need for their members to take large chunks of

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

² See <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-287-603.pdf>

³ See <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-290-422.pdf>

⁴ See <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-290-553.pdf>

time out of their busy schedules to travel, sometimes many hours, to a different place to conduct meeting business.

Against:

No arguments against the bill were presented during committee testimony.

POSITIONS:

A representative of the Michigan Corn Growers Association testified in support of the bill. (5-5-21)

The following entities indicated support for the bill:

- Michigan Cattlemen's Association (5-5-21)
- Michigan Bean Commission (5-5-21)
- Michigan Soybean Association (5-5-21)
- Michigan Meat Association (5-12-21)

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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.